

FEDERAL REGISTER

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

VOLUME 6 NUMBER 182

Washington, Thursday, September 18, 1941

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT CHAPTER II—COMMODITY CREDIT CORPORATION

[1941 C. C. C. Flaxseed Form 1—Instructions]

PART 222—1941 FLAXSEED LOANS

INSTRUCTIONS CONCERNING FLAXSEED LOANS

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These instructions are issued pursuant to the provisions of Title III, sec. 302 (a) of the Agricultural Adjustment Act of 1938, as amended.

Commodity Credit Corporation has authorized the making of loans in accordance with these instructions upon the security of flaxseed stored on farms and in approved public warehouses.

§ 222.1 *Definitions.* For the purpose of the instructions in this part and the notes and chattel mortgages relating thereto, the following terms shall be construed, respectively, to mean:

(a) "Eligible producer" means any person, partnership, association, or corporation producing flaxseed as landowner, landlord, or tenant upon whose farm the 1941 total soil-depleting acreage does not exceed the total soil-depleting acreage allotment or permitted acreage under the 1941 Agricultural Conservation Program.

(b) "Eligible flaxseed" means flaxseed grading No. 1 or No. 2, which was produced in 1941, the beneficial interest to which is and always has been in the

eligible producer. Flaxseed containing more than 30 percent damage or which contains more than 11 percent moisture, or which is musty, sour, heating, hot, or which has any commercially objectional odor, or which is otherwise low quality, is not eligible for loan.

(c) "Eligible storage" shall include public grain warehouses and farm storage meeting the following respective requirements:

(1) Public grain warehouses which have met the requirements of Commodity Credit Corporation and have executed the Uniform Grain Storage Agreement, amended to cover flaxseed. Such warehouses may be situated at either terminal or country points.

(2) Farm storage shall consist of farm bins, and granaries which are of such substantial and firm construction as to afford safe storage of the flaxseed for a period of two years and permit effective fumigation for the destruction of insects and afford protection against rodents, other animals, thieves, and weather, as determined by the county agricultural conservation committee.

(d) "Lending agency" means any bank, cooperative marketing association, or other corporation, partnership, or person making loans in accordance with the instructions in this part, which has executed the Contract to Purchase on 1940 C. C. C. Form E.

(e) "Eligible paper" shall consist of notes of the producers secured by chattel mortgages or warehouse receipts representing flaxseed in existence and undamaged from the perils of fire, lightning, inherent explosion, cyclone, tornado, windstorm and flood, dated prior to January 1, 1942, and executed in accordance with the instructions in this part, with State documentary revenue stamps affixed thereto where required by law. Notes executed by an administrator, executor, or trustee will be acceptable only where valid in law.*

*§§ 222.1 to 222.16, inclusive, issued under the authority contained in sec. 302 (a), 52 Stat. 43; 7 U.S.C., Sup., 1302.

§ 222.2 *Areas in which loans will be made.* Loans will be made on eligible

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the **FEDERAL REGISTER** will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

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flaxseed stored in approved public grain warehouses or in acceptable storage structures located on farms.*

§ 222.3 *Amount of loans.* Loan values on flaxseed shall be based on numerical grades as provided in the Official Grain Standards of the United States.

(a) The loan value for No. 1 flaxseed stored in approved warehouses at Chicago, Duluth, Kansas City, Missouri, Portland, Oregon, Los Angeles, Minneapolis, St. Paul, and San Francisco shall be \$1.85 per bushel if the storage charges have been prepaid through April 30, 1942, and \$1.78 per bushel if the storage charges are not prepaid. As evidence that storage charges have been prepaid the warehouse receipt must have stamped or typed thereon, or attached thereto, the following legend:

Storage charges for the period ending April 30, 1942, on the flaxseed represented by this warehouse receipt have been paid or otherwise provided for and lien for such charges will not be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of this warehouse receipt.

----- Signed -----
Warehouseman

The foregoing applies to flaxseed delivered to any designated terminal market in carload lots which has been shipped by rail from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges and other documents as required: *Provided*, That Commodity Credit Corporation will accept in lieu of such bills the approved Warehouseman's Supplemental Certificate, or warehouse receipts on which a legend, signed by the warehouseman, has been stamped or typewritten in the following form or certificate of such warehouseman containing such an undertaking:

FREIGHT CERTIFICATE FOR TERMINALS

The ----- represented by attached
(Commodity)
warehouse receipt No. ----- was received by
rail freight from

Town ----- County ----- State -----
point of origin, as evidenced by freight bill
described as follows:

Way Bill, Date ----- No. ----- Car
No. ----- Int. ----- Freight Bill, Date
No. ----- Carrier -----

Transit Weight ----- Freight Rate In -----
Amount Collected ----- Number Unused
Transit Stops -----

The above described paid freight bill has been
officially registered for transit.

Date of Sig- Warehouseman's Address
nature Signature

Otherwise a deduction of six cents (6¢)
per bushel shall be made.

(b) Loan value for No. 1 flaxseed stored on farms shall be determined by deducting from the terminal loan value (\$1.85 per bushel) an amount equal to 4 cents per bushel more than all-rail interstate freight rate (in effect May 1, 1941) from the shipping point to the appropriate terminal market. The same deduction and

7 cents per bushel will be made in the case of flaxseed stored in country or sub-terminal warehouses where warehouse receipts do not carry an endorsement stating that storage charges have been paid, as required in paragraph (a) above. In Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin loan rates at country points shall be computed on the basis of the average freight rate from all shipping points, other than subterminal markets, in each county to the appropriate terminal market. Loan values for flaxseed at other than terminal markets will be found in State supplements to the instructions in this part (1941 C.C.C. Flaxseed Form 1—Supplement 1—Minnesota, etc.)

(c) The loan value for No. 2 flaxseed shall be 5 cents per bushel less than the applicable rate for No. 1 flaxseed.*

§ 222.4 *Maturity and interest rate.* Notes secured by farm-stored flaxseed or by warehouse receipts representing flaxseed shall mature on demand, on April 30, 1942. All loans will bear interest at the rate of 3 percent per annum. Notes evidencing such loans must be dated on or before December 31, 1941.*

§ 222.5 *Determination of quantity of flaxseed.* A bushel shall be 56 pounds of clean flaxseed free of dockage, when determined by weight, or 1.25 cubic feet of flaxseed testing 56 pounds per bushel when determined by measurement. A deduction of three-quarters of a pound for each sack will be made in determining the quantity of the collateral when stored as sacked grain. In determining the quantity of flaxseed in farm storage by measurement, fractional pounds of the bushel test weight for flaxseed testing less than 56 pounds per bushel will be disregarded, and the quantity determined as above will be the following percentages of the quantity determined for 56-pound flaxseed:

	Percent
For flaxseed testing 56 pounds or over	100
For flaxseed testing 55 pounds or over, but less than 56 pounds	98
For flaxseed testing 54 pounds or over, but less than 55 pounds	96
For flaxseed testing 53 pounds or over, but less than 54 pounds	94
For flaxseed testing 52 pounds or over, but less than 53 pounds	92
For flaxseed testing 51 pounds or over, but less than 52 pounds	90
For flaxseed testing 50 pounds or over, but less than 51 pounds	88
For flaxseed testing 49 pounds or over, but less than 50 pounds	85
For flaxseed testing 48 pounds or over, but less than 49 pounds	83
For flaxseed testing 47 pounds or over, but less than 48 pounds	81

* § 222.6 *Farm storage.* Flaxseed stored on the farm must have been stored in the granary at least thirty (30) days prior to its inspection for measurement, sampling and sealing. In accordance with regulations issued by the Secretary of Agriculture, the State and county agri-

cultural conservation committees will inspect and approve storage facilities and will arrange for measuring, sampling, grading and sealing the flaxseed collateral in approved structures. Chattel mortgages covering farm-stored flaxseed must be executed and filed in accordance with the applicable State law. Producers should obtain information and assistance from the county agricultural conservation committees in regard to the execution and filing of such chattel mortgages. Where the borrower is a tenant farmer and the flaxseed collateral is stored on the farm, the expiration date of the lease shall be given in section 1 (d) of the chattel mortgage. If the expiration date of the lease is prior to June 30, 1942, the landlord shall execute the Consent for Storage, section 5 of the chattel mortgage. The consent agreement shall also be signed by any other party or parties entitled to possession. Each producer must designate in section 1 (b) of the chattel mortgage a shipping point reasonably convenient for the delivery of the flaxseed as determined by the county committee. Notes and mortgages will not be acceptable which provide a shipping point other than the normal shipping point customarily used by the producers in the locality in which the flaxseed was produced. A separate note and chattel mortgage must be submitted for flaxseed stored on each quarter section of land.*

§ 222.7 *Chattel mortgages.* All documents must be carefully examined as to compliance with State requirements.*

§ 222.8 *Public warehouses.* Commodity Credit Corporation will accept only negotiable insured warehouse receipts covering flaxseed pledged as collateral to notes on 1941 C.C.C. Wheat Form B, properly corrected, issued by any public grain warehouse which has executed the Uniform Grain Storage Agreement, amended to cover flaxseed. Warehousemen desiring approval should communicate with the Commodity Credit Corporation office serving the area, at which office a list of approved warehouses and their locations is available. A list of approved warehouses for the area may also be obtained at any State or county agricultural conservation office. Approved warehousemen shall not issue and have outstanding at any time warehouse receipts in excess of the normal working capacity or licensed capacity of the warehouse. Warehousemen shall be required to deliver either the identical flaxseed or country-run flaxseed equal to that described in the warehouse receipts and accompanying certificates or documents.*

§ 222.9 *Warehouse receipts.* Warehouse receipts must be dated on or prior to the date of the related note and properly assigned by an endorsement in blank so as to vest title in the holder, or issued to bearer, and must be issued by approved warehousemen. Unless the warehouse receipts are stamped or printed "insured" there must be attached or included in the certificate of the ware-

houseman the statement that the flaxseed is insured for not less than the market value, against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado. Commodity Credit Corporation will not accept warehouse receipts indicating any lien for charges prior to unloading in or delivery to the warehouse issuing such receipts. Lien for storage charges will be recognized by Commodity Credit Corporation only from May 15, 1941, or the dates of the warehouse receipts, whichever is later. Such receipts must set out in their written or printed terms the gross weight or bushels, the grade, the percentage of sound flaxseed, test weight and all other facts and statements required to be stated in the written or printed terms of the negotiable warehouse receipts under the provisions of section 2 of the Uniform Warehouse Receipts Act or to be accompanied by a certificate of the warehouseman identified to such warehouse receipt, setting out such information and shall be based on the in-bound movement or delivery of the grain to an approved warehouse.*

§ 222.10 *Liens.* The flaxseed collateral must be free and clear of all liens except in favor of the lienholders listed in the space provided therefor in the chattel mortgage or note and loan agreement. The names of the holders of all existing liens on the pledged or mortgaged flaxseed, such as landlord, laborers, threshers, or mortgagees, must be listed in the space provided therefor in the mortgage or loan agreement. The waiver and consent to the pledge or mortgage of the flaxseed and the payment of the proceeds of the loan and the proceeds of the sale of the flaxseed solely to the producer as contained in the mortgage or loan agreement must be signed personally by all lienholders listed or by their duly authorized agents; or, if corporation, by the designated officer thereof customarily authorized to execute such instruments. (In lieu of signing the section of the chattel mortgage or loan agreement entitled "List of Lienholders and Their Waivers and Consent to Pledge," lienholders may sign CCC Form AB which must completely identify the related note.) The producer will direct in the notes that the proceeds of the loan be made payable to him and/or such other person or concern as he may direct thereon. Producers should read carefully all real estate or other mortgages previously given by them in order to determine whether or not crops are covered thereby. Any fraudulent misrepresentation of fact made in the execution of the note and mortgage and related forms shall render the producer personally liable for the amount of the loan and subject to the provisions of the United States Criminal Code.*

§ 222.11 *Insurance—(a) Flaxseed stored on farms.* The producer must obtain primary insurance on flaxseed stored on the farm for not less than the amount of the loan, plus accrued interest

to maturity for the period ending June 30, 1942. Such insurance shall be evidenced by a certificate in a form approved by Commodity Credit Corporation issued by a company or association licensed to do business in the State in which the flaxseed is stored. The insurance coverage may be obtained through the customary channels and the form of certificate required shall be furnished by the agent writing same.

(b) *Flaxseed stored in approved warehouses.* With respect to such flaxseed, the warehouseman shall provide insurance against the perils of fire, lightning, inherent explosion and windstorm, cyclone and tornado, for the full market value thereof, so long as receipts are outstanding.

In addition to the foregoing, Commodity Credit Corporation has obtained a blanket insurance policy to protect it against errors and omissions in the primary insurance coverage, e.g., the failure of the primary insurance to pay losses on account of theft and wrongful conversion, flood and inherent explosion, and certain other risks not covered by the primary insurance. This secondary insurance will be secured by Commodity Credit Corporation for all loans and the cost of the insurance will be paid from the service fees collected from producers.*

§ 222.12 *County agricultural conservation committee.* Forms will be obtained from county agricultural conservation committees or from the office of Commodity Credit Corporation. The producers' notes contain approvals which should not bear a date prior to the date of the note or loan agreement and which must be signed in each instance by a member of the county agricultural conservation committee of the county in which the flaxseed was produced, for warehoused flaxseed, and the county in which the flaxseed is stored, for farm-stored flaxseed. Pursuant to instructions issued by the Secretary of Agriculture, the State and county committees will determine or cause to be determined the quantity and grade of the flaxseed collateral and the amount of the loan. All loan documents will be completed and approved by the county committee, who will retain all documents except the producer's note. In order to meet the cost of the local expenses, county agricultural associations will collect a service fee for all loans.

Approval of 1941 Flaxseed Loans by Member of County Committee

(a) By signing in the space provided on the Producer's Note (1941 C.C.C. Grain Form A) the member certifies for and on behalf of the county committee to its best knowledge and belief that the flaxseed securing the note and the storage structure(s) in which the flaxseed is stored have been inspected and sealed and the quantity, quality, and loan value determined in accordance with regulations of the Secretary of Agriculture; that the representations set forth in the

chattel mortgage are true and correct; that the chattel mortgage will be filed for record in accordance with the requirements of Commodity Credit Corporation; that satisfactory evidence of authority of all persons executing note, chattel mortgage, lien waiver(s), and consent for storage has been received, and any documentary evidence of authority will be held by the committee, that the original or a duplicate copy of said mortgage bearing receipt of the county recording official will be held by the committee; that a primary insurance certificate on an approved form is filed with said chattel mortgage and that all lienholders have waived the priority of their liens and consents granted for storage if necessary.

(b) By signing in the space provided on the Producer's Note and Loan Agreement (1941 C.C.C. Wheat Form B, which has been properly corrected for use as a Flaxseed Producer's Note and Loan Agreement (the member certifies for and on behalf of the county committee to the best knowledge and belief of the county committee that the representations set forth by the producer are true and correct; that the amount of the loan on the described flaxseed has been correctly determined on the basis of the warehouse receipts in accordance with the instructions in this part and that all existing liens on the pledged flaxseed are listed in section 3 of the note and loan agreement.*

§ 222.13 *Source of loans.* Loans may be obtained from banks and other local lending agencies, which in turn, may sell the paper evidencing such loans to Commodity Credit Corporation. Producers may also obtain loans direct from the Corporation on notes made payable to the Corporation, which shall be delivered to the office serving the area in which the flaxseed is stored, delivered or postmarked prior to January 1, 1942. Upon approval of the loan by Commodity Credit Corporation, payment will be made pursuant to the directions of the producer as set forth in the note.*

§ 222.14 *Purchase of loans.* Commodity Credit Corporation will purchase, without recourse, eligible paper, as defined above, only from lending agencies which have executed and delivered to the office of Commodity Credit Corporation to which notes are submitted Contract to Purchase, 1940 C.C.C. Form E, obtainable only from such offices.

Paper held by lending agencies must be tendered at least 10 days prior to maturity to the office of Commodity Credit Corporation holding the Contract to Purchase and serving the area in which the flaxseed is stored. The purchase price to be paid by Commodity Credit Corporation for notes accepted will be the face amount of such notes, plus accrued interest from the respective dates to the date of payment of the purchase price at the rate of 1½ percent per annum. Under the terms of the Contract to Purchase, lending agencies are

required to report weekly on 1940 C. C. C. Form F all payments or collections on producers' notes held by them, and to remit with such report to Commodity Credit Corporation, an amount equivalent to 1½ percent interest per annum on the principal amount collected from the date of the note to the date of payment.*

§ 222.15 *Offices of Commodity Credit Corporation.* The locations and addresses of the Representatives previously referred to herein and the areas served by them under the instructions in this part are:

Address and Area

208 South LaSalle St., Chicago, Ill.—Delaware, Illinois (except East St. Louis), Indiana, Eastern Iowa, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Southern Wisconsin, and States not otherwise listed.
1108 Federal Reserve Bank Bldg., Kansas City, Mo.—Alabama, Arkansas, Colorado, Georgia, Florida, Western Iowa, Kansas, Louisiana, Mississippi, Missouri (also East St. Louis), Nebraska, New Mexico, Oklahoma, South Carolina, Texas, Wyoming.
328 McKnight Building, Minneapolis, Minn.—Minnesota, Montana, North Dakota, South Dakota, Northern Wisconsin.
444 Pittcock Block, Portland, Oreg.—Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

§ 222.16 *Release of collateral.* The producer may obtain the return of notes secured by flaxseed at any time prior to maturity, upon the payment of the principal amount due thereon, plus accrued interest and charges. No allowance will be made for storage by Commodity Credit Corporation. The loan paper may be sent to an approved bank for collection or the producer may ascertain the amount due and remit directly to the office of Commodity Credit Corporation holding the paper. Partial releases of collateral will be made as follows:

(a) In the case of farm-stored flaxseed, the producer must identify to Commodity Credit Corporation the seal number of the bin to be released. Such release must cover all the flaxseed in any one bin. Such release will be made upon payment of the amount loaned on the particular bin of flaxseed, plus interest.

(b) In the case of elevator-stored flaxseed, producers desiring to obtain partial release should notify the office of Commodity Credit Corporation serving the area in which the flaxseed is stored, describing the flaxseed to be released, by warehouse receipt numbers. Each partial release must cover all the flaxseed under one warehouse receipt. The warehouse receipt representing flaxseed will be released against payment of the amount loaned on the flaxseed to be released, plus interest on such amount and any charges applicable thereto.

Dated: August 19, 1941.

[SEAL]

J. B. HUTSON,
President.

[F. R. Doc. 41-6954; Filed, September 17, 1941;
11:06 a. m.]

TITLE 7—AGRICULTURE

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

[Order No. 30, as Amended]

PART 930—MILK IN TOLEDO, OHIO, MARKETING AREA

Sec.	
930.0	Findings.
930.1	Definitions.
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930.4	Classification of milk.
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930.7	Payment for milk.
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930.10	Effective time, suspension, or termination of order.

H. A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), issued, effective May 1, 1940, Order No. 30, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area, which order, as amended, was further amended on March 16, 1941.

Claude R. Wickard, Secretary of Agriculture, tentatively approved, on January 31, 1941, a marketing agreement, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area.

*There being reason to believe that amendments to said tentatively approved marketing agreement, as amended, and to said order, as amended, would tend to effectuate the declared policy of said act, notice was given, on the 12th day of June 1941, of a public hearing which was held at Toledo, Ohio, beginning on June 18, 1941, at which time and place all interested parties were afforded an opportunity to be heard on a proposal to amend the said tentatively approved marketing agreement, as amended, and the order, as amended.

After such hearing and after the tentative approval, on the 6th day of August 1941, of a marketing agreement, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area, handlers of more than fifty percent of the volume of milk covered by this order, as amended, which is marketed within the Toledo, Ohio, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to the handling of milk in such marketing area.

The requirements of section 8c (9) of said act have been complied with.

It is hereby found, upon the evidence introduced at the above-mentioned public hearing, said findings being in addition to findings made upon the evidence introduced at the original hearing on said order and on said order, as amended, and being in addition to the other findings and determinations made prior to or at the time of the original issuance of said order (which findings are hereby

ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth).

§ 930.0 *Findings.* (a) That the prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and 8e of said act, are not reasonable in view of the prices of feeds, the available supplies of feed, and other economic conditions which affect the market supply of and demand for such milk, and that the minimum prices set forth in this order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(b) That the order, as amended, regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement, as amended, upon which a hearing has been held; and

(c) That the issuance of this order, as amended, and all of its terms and conditions, will tend to effectuate the declared policy of the act:

Pursuant to the powers conferred upon the Secretary by said act, it is hereby ordered that such handling of milk in the Toledo, Ohio, marketing area, as is in the current of interstate commerce, or as directly burdens, obstructs, or affects interstate commerce, shall, from the effective date hereof, be in compliance with the following terms and conditions.*

*§§ 930.0 to 930.10, inclusive, issued under the authority contained in 48 Stat. 31, 49 Stat. 750, 50 Stat. 246; 7 U.S.C. and Sup., 602 et seq.

§ 930.1 *Definitions*—(a) *Terms.* The following terms shall have the following meanings:

(1) The term "Secretary" means the Secretary of Agriculture of the United States.

(2) The term "Toledo, Ohio, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the city of Toledo and the towns and villages of Ottawa Hills, Maumee, Sylvania, Harbor View, Rossford, and Trilby, in Lucas County, and the township of Perrysburg in Wood County, all in the State of Ohio, and the village of Lakeside in Monroe County, Michigan.

(3) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(4) The term "producer" means any person who produces milk which is received at the plant of a handler from which milk is disposed of in the marketing area and any person reported by a handler pursuant to § 930.3 (a) (7): *Provided*, That if such producer has not regularly distributed milk in the marketing area or has not disposed of milk to a handler for a period of 30 days prior to September 16, 1938, but begins the regular delivery of milk to a handler, he shall be known as a "new producer" for

a period beginning with the date of his first delivery of milk and including the first 2 full calendar months of regular delivery following the date of first delivery to a handler, after which he shall be known as a producer.

(5) The term "handler" means any person who, on his own behalf or on behalf of others, purchases or receives milk from producers, new producers, associations of producers, or other handlers, all, or a portion, of which milk is disposed of as milk in the marketing area, and who, on his own behalf or on behalf of others, engages in such handling of milk as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products.

(6) The term "delivery period" means any calendar month.

(7) The term "market administrator" means the agency which is described in § 930.2 for the administration hereof.

(8) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

(9) The term "market share" means the quantity of milk calculated for each producer pursuant to § 930.7 (e).

(10) The term "option A" means that option under which a producer choosing such option shall have an individual market share determined by the market administrator pursuant to § 930.7 (e).

(11) The term "option B" means that option under which those producers selling to the same handler and individually choosing such option shall have a combined market share equal to the sum of the individual market shares of such producers.

(12) The term "excess milk" means the quantity of milk remaining after the market-share deliveries of a producer have been subtracted from his total deliveries of milk during the delivery period.

(13) The term "cooperative association" means any cooperative association of producers which the Secretary determines (i) to have its entire activities under the control of its members and (ii) to have and to be exercising full authority in the sale of milk of its members.

(14) The term "emergency milk" means milk received by a handler from sources other than producers or new producers under a permit to receive such milk issued by the proper health authorities.*

§ 930.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall: (1) Administer the terms and provisions hereof; and (2) Report to the Secretary complaints of violation of the provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay, out of the funds provided by § 930.8, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office.

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate.

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 930.3 or (ii) made payments pursuant to § 930.7.

(5) Promptly verify the information contained in the reports submitted by handlers.*

§ 930.3 *Reports of handlers*—(a) *Submission of reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 5th day after the end of each delivery period (i) the receipts of milk from producers and new producers, (ii) the receipts of milk from handlers, (iii) the receipts of milk produced by him, if any, (iv) the receipts of milk from any other source, (v) the utilization of all receipts of milk for the delivery period, and (vi) the name and address of each new producer.

(2) Within 10 days after the market administrator's request with respect to any producer and new producer for whom such information is not in the files of the market administrator and with respect to a period or periods of time designated by the market administrator (i) the name and address, (ii) the total pounds of milk received, (iii) the average butterfat test of milk received, and (iv) the number of days upon which milk was received.

(3) On or before the 20th day after the end of each delivery period, his producer pay roll, which shall show for each producer and new producer (i) the total delivery of milk with the average butterfat test thereof, (ii) the net amount of the payment to such producer and new producer made pursuant to § 930.7, and (iii) the deductions and charges made by the handler. Such pay roll shall show also for each producer his total delivery of market-share milk and excess milk.

(4) On or before the 5th day after the end of each delivery period the sale or disposition of Class I milk outside the marketing areas, as follows: (i) the amount and the utilization of such milk;

(ii) the butterfat test thereof, (iii) the date of such sale or disposition, (iv) the point of use, (v) the plant from which such milk was shipped, and (vi) such other information with respect thereto as the market administrator may request.

(5) On or before the 5th day after the market administrator's request, a schedule which shall show the transportation rates which are charged and paid for the transportation of milk from the farm of each producer and new producer to such handler's plant.

(6) On or before the 5th day after any changes are made in the schedule filed in accordance with subparagraph (5) of this paragraph, a copy of the revised schedule with the effective dates of such changes as may appear in the revised schedule.

(7) On or before the 5th day after the end of each delivery period, a list showing the name and address of each person who produces milk and is under contract with such handler, either individually or through a cooperative association, to have his milk received and paid for as part of the handler's supply of milk for the marketing area, but whose milk may be received at a plant of such handler from which no milk is disposed of in the marketing area. Any such person who is not included on such a list, submitted on or before the 5th day after the end of the delivery period, shall not be deemed to be a producer for such delivery period.

(8) On or before the day such handler receives emergency milk his intention to receive such milk.

(9) On or before the 5th day after the end of each delivery period, the receipts of emergency milk, as follows: (i) the amount of such milk, (ii) the date or dates upon which such milk was received during the delivery period, (iii) the plant from which such milk was shipped, and (iv) such other information with respect thereto as the market administrator may request.

(b) *Verification of reports.* Each handler shall make available to the market administrator or his agent (1) those records which are necessary for the verification of the information contained in the reports submitted in accordance with this section and § 930.4 (c), and (2) those facilities necessary for the checkweighing, testing, and sampling of milk and for determining the utilization of milk being made by the handler.

If, in the verification of the reports of any handler made pursuant to paragraph (a) of this section, it is necessary for the market administrator to examine records relating to milk and cream handled in a plant of the handler from which no milk is disposed of in the marketing area, such handler shall make such records available to the market administrator. If, in the verification of the reports of any handler made pursuant to paragraph (a) of this section, the market administrator finds that subsequent to the delivery period for which

the verification is being made, any milk of a producer or new producer received during such delivery period was used in a class other than that in which it was first disposed of, such milk shall be reclassified accordingly and the adjustments necessary to reflect the reclassified value of such milk shall be made in the value of milk computed for such handler for the delivery period following such reclassification of milk.*

§ 930.4 *Classification of milk*—(a) *Milk to be classified.* All milk, including milk produced by him, if any, received by each handler at a plant from which milk is disposed of in the marketing area and all milk of producers and new producers reported pursuant to § 930.3 (a) (7) shall be classified, subject to the provisions of paragraphs (c) and (d) of this section, by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of milk and milk drinks, whether plain or flavored, and all milk not accounted for as Class II milk or Class III milk.

(2) Class II milk shall be all milk used to produce cream which is disposed of in the form of cream, including any cream product disposed of in fluid form which contains less than the minimum butterfat content required for fluid cream, creamed buttermilk, and creamed cottage cheese.

(3) Class III milk shall be all milk used to produce a milk product other than those specified in Class II milk, and all actually accounted for plant shrinkage up to but not exceeding 3 percent of the total receipts of milk from producers and new producers.

(c) *Interhandler and nonhandler sales.* Milk disposed of by a handler to another handler and milk disposed of by a handler to a person who is not a handler but who distributes milk or manufactures milk products shall be classified as Class I milk: *Provided*, That if different classification is similarly reported to the market administrator by the selling handler and the person to whom such milk is disposed of, such milk shall be classified according to such reports, subject to verification by the market administrator: *And provided further*, That in no event shall the amount so reported in any class be greater than the total amount of milk disposed of in such class by the person receiving such milk.

(d) *Computation of butterfat in each class.* For each delivery period, the market administrator shall compute for each handler the butterfat in each class of utilization of such handler, as follows:

(1) Determine the total pounds of butterfat received as follows: (i) multiply the weight of the milk received from producers and new producers by the average butterfat test thereof, (ii) multiply the

weight of the milk, if any, produced by him, by the average butterfat test thereof, (iii) multiply the weight of the milk, if any, received from handlers, by the average butterfat test thereof, (iv) multiply the weight of emergency milk, if any, by the average butterfat test thereof, and (v) add together the resulting amounts.

(2) Determine the total pounds of butterfat in Class I milk as follows: (i) convert to quarts the total quantity of milk disposed of in the form of milk and milk drinks, whether plain or flavored, and multiply by 2.15, (ii) multiply the result by the average butterfat test of such milk.

(3) Determine the total pounds of butterfat in Class II milk as follows: (i) multiply the total pounds of each of the several products of Class II milk by its average butterfat test and (ii) add together the resulting amounts.

(4) Determine the total pounds of butterfat in Class III milk as follows: (i) multiply the total pounds of each of the several products of Class III milk by its average butterfat test, add together the resulting amounts, and add to this sum the total pounds of butterfat reported as actual plant shrinkage up to but not exceeding 3 percent of the total receipts of butterfat by the handler from producers and new producers; (ii) subtract from the total pounds of butterfat received, computed pursuant to subparagraph (1) of this paragraph, the sum total of the pounds of butterfat determined in subparagraph (2), subparagraph (3), and (i) of this subparagraph; and (iii) add the resulting amount of butterfat, if any, to the amount of butterfat computed pursuant to subparagraph (2) of this paragraph.

(5) Determine the classification of the butterfat received from producers and new producers, as follows:

(i) Subtract from the total pounds of butterfat in each class the total pounds of butterfat received from other handlers and used in such class.

(ii) In the case of a handler who also distributes milk of his own production, subtract from the total pounds of butterfat in each class a further amount which shall be computed as follows: divide the total pounds of butterfat in said class by the total pounds of butterfat in all classes and multiply by the total pounds of butterfat produced by such handler.

(iii) In the case of a handler who has received emergency milk during the delivery period, subtract respectively from the total pounds of butterfat in each class a further amount which shall be computed as follows: divide the total pounds of butterfat in said class by the total pounds of butterfat in all classes and multiply the resulting percentage figure by the total pounds of butterfat contained in emergency milk received.

(e) *Computation of milk in each class.* For each delivery period, the market administrator shall compute for each

handler the hundredweight of milk in each class received from producers and new producers by (i) dividing the total pounds of butterfat computed for each class in accordance with paragraph (d) (5) of this section by the average butterfat test of all milk received from producers and new producers by such handler, and (ii) dividing the resulting amounts by 100.*

§ 930.5 Minimum prices.—(a) *Class prices.* Except as set forth in paragraph (b) of this section, each handler shall pay, at the time and in the manner set forth in § 930.7, not less than the following prices for milk of 3.5 percent butterfat content received at such handler's plant:

(1) *Class I milk.* The price per hundredweight for Class I milk shall be the price for Class III milk, determined by the market administrator pursuant to subparagraph (3) of this paragraph, plus 80 cents: *Provided*, That with respect to Class I milk disposed of by such handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price per hundredweight shall be such price for Class I milk less 46 cents.

(2) *Class II milk.* The price per hundredweight for Class II milk shall be the price for Class III milk determined by the market administrator pursuant to subparagraph (3) of this paragraph, plus 30 cents.

(3) *Class III milk.* The price per hundredweight for Class III milk shall be the price resulting from the following computation by the market administrator: determine the average of the basic, or field, prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received during the delivery period at the following plants and subtract 10 cents.

Concern	Location of plant
Van Camp Milk Co.	Wauseon, Ohio
Pet Milk Co.	Delta, Ohio
Defiance Milk Products Co.	Defiance, Ohio

Provided, That if the price so determined is less than the price per hundredweight computed by the market administrator in accordance with the following formula, such formula price shall be the price for Class III milk for the delivery period: multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 30 percent thereof.

(b) *Price of Class I milk disposed of outside the marketing area.* The price to be paid by a handler for milk received from producers and new producers and disposed of as Class I milk outside the marketing area shall be the price for Class I milk (other than relief milk), determined pursuant to paragraph (a) (1) of this section, less 46 cents.*

§ 930.6 Determination and announcement of uniform prices to producers.—

(a) *Computation of the value of milk for each handler.* For each delivery period the market administrator shall compute for each handler the value of milk of producers and new producers received by such handler, as follows: (1) multiply the hundredweight of Class I milk disposed of in the marketing area by the Class I price set forth in § 930.5 (a), (2) multiply the hundredweight of Class I milk disposed of outside the marketing area by the price applicable pursuant to § 930.5 (b), (3) multiply the hundredweight of Class II milk by the Class II price, (4) multiply the hundredweight of Class III milk by the Class III price, and (5) add together the resulting amounts.

(b) *Computation and announcement of the uniform price.* (1) For each delivery period, prior to August 1, 1940, the market administrator shall compute for each handler the uniform price per hundredweight of milk received by such handler as follows:

(i) Subtract from the sum computed pursuant to paragraph (a) of this section the total amount to be paid pursuant to § 930.7 (b) (2);

(ii) If, in the verification of the reports of such handler for previous delivery periods, the market administrator has discovered errors in such reports, there shall be added or subtracted, as the case may be, the amount necessary to correct such errors;

(iii) Divide by the hundredweight of milk received from producers other than the milk represented by the amount subtracted in subdivision (i) of this subparagraph;

(iv) Adjust the resulting figure to the nearest cent. This result shall be known as such handler's uniform price for such delivery period for milk of producers which contains 3.5 percent butterfat; and

(v) On or before the 12th day after the end of each delivery period, prior to August 1, 1940, the market administrator shall notify each handler of the class prices for milk and of the uniform price computed for him pursuant to this subparagraph, and shall publicly announce such prices.

(2) For each delivery period, subsequent to July 31, 1940, the market administrator shall compute for each handler the uniform price per hundredweight for each producer's market share of milk received by such handler as follows:

(i) Subtract from the sum computed pursuant to paragraph (a) of this section, the total amount to be paid pursuant to § 930.7 (c) (4);

(ii) Subtract, from the resulting amount, the value of excess milk received from producers, computed by multiplying the hundredweight of such milk by the Class III price;

(iii) If, in the verification of the reports of such handler for previous de-

livery periods, the market administrator has discovered errors in such reports, there shall be added or subtracted, as the case may be, the amount necessary to correct such errors;

(iv) Divide by the total hundredweight of market-share deliveries of all producers during the delivery period;

(v) Adjust the resulting figure to the nearest cent. This result shall be known as such handler's uniform price for such delivery period for market-share milk of producers which contains 3.5 percent butterfat; and

(vi) On or before the 12th day after the end of each delivery period, subsequent to July 31, 1940, the market administrator shall notify each handler of the class prices for milk and of the uniform price of market-share milk computed for him pursuant to this subparagraph, and shall publicly announce such prices.*

§ 930.7 Payment for milk.—(a) *Time and method of payment.* On or before the last day of each delivery period, each handler shall pay, with respect to all milk received during the first 15 days of such delivery period, \$1.50 per hundredweight to each producer, and \$0.75 per hundredweight to each new producer.

(b) On or before the 15th day after the end of each delivery period, prior to August 1, 1940, each handler shall make payment, subject to the butterfat differential set forth in paragraph (d) of this section and less the payment made in accordance with paragraph (a) of this section, for each hundredweight of milk received from producers and new producers during such delivery period as follows:

(1) To producers, except as set forth in subparagraph (2) of this paragraph, at not less than such handler's uniform price; and

(2) To each new producer at the Class III price.

(c) On or before the 15th day after the end of each delivery period, subsequent to July 31, 1940, each handler shall make payment, subject to the butterfat differential set forth in paragraph (d) of this section and less the payment made in accordance with paragraph (a) of this section, for each hundredweight of milk received from producers and new producers during such delivery period as follows:

(1) To each producer choosing option A, at not less than such handler's uniform price for all milk received from such producer not in excess of his market share.

(2) To each producer choosing option A, at not less than the Class III price for all milk received from such producer in excess of his market share.

(3) To each producer choosing option B, at not less than a price for all milk determined as follows:

(i) Add together the market shares of all producers choosing option B from whom such handler received milk;

(ii) Multiply the sum computed in subdivision (i) of this subparagraph by such handler's uniform price;

(iii) Multiply the total quantity of excess milk of all such producers choosing option B by the Class III price;

(iv) Add together the values computed pursuant to subdivisions (ii) and (iii) of this subparagraph and divide the resulting sum by the total hundredweight of milk received by such handler during the delivery period from all such producers choosing option B; and

(v) Adjust the resulting figure to the nearest cent.

(4) To each new producer at the Class III price.

(d) *Butterfat differential.* If a handler has received from a producer or new producer, during any delivery period, milk having an average butterfat content other than 3.5 percent, such handler, in making payments pursuant to paragraphs (b) and (c) of this section, shall add to the price to be paid each producer or new producer, for each one-tenth of 1 percent of average butterfat content in milk above 3.5 percent not less than or shall deduct from such price, for each one-tenth of 1 percent of average butterfat content in milk below 3.5 percent not more than an amount per hundredweight as follows:

Three cents, if the average butter price used in § 930.5 (a) is 30 cents or less;

Four cents, if the average butter price used in § 930.5 (a) is more than 30 cents but not more than 40 cents; or

Five cents, if the average butter price used in § 930.5 (a) is more than 40 cents.

(e) *Delivery period market share.* For each delivery period the market share of each producer shall be a quantity of milk calculated by multiplying the daily market share computed pursuant to paragraph (f) of this section by the number of days on which milk was received from such producer during the delivery period.

(f) *Determination of daily market share.* The market administrator shall determine the daily market share of each producer as follows:

(1) Effective for each delivery period from August 1 through December 31, 1940, subject to the adjustment provided in subparagraph (3) of this paragraph, divide such producer's total pounds of milk delivered in bulk to a handler during the 12-month period immediately preceding December 1, 1939, by the number of days upon which deliveries were made and take such a percentage of the result as will make the sum of all figures so determined for producers from whom such handler received milk equal to 115 percent of the daily average Class I and Class II milk disposed of by such handler during the last calendar quarter of 1939: *Provided*, That if a producer cannot show to the satisfaction of the market administrator deliveries to a handler during a full 12-month period immediately preceding December 1, 1939,

compute for such producer a figure in the manner provided for new producers pursuant to subparagraph (4) of this paragraph, and immediately after a record of deliveries of such producer to a handler for a 12-month period becomes available, compute a new figure by dividing the total pounds of milk delivered by him in bulk to a handler during such 12-month period by the number of days upon which deliveries were made and multiplying the result by the most recent percentage figure used pursuant to subparagraph (3) of this paragraph in the computation of market shares of producers of the handler who receives the milk of such producer.

(2) Effective for the calendar year 1941, subject to the adjustment provided in subparagraph (3) of this paragraph, compute such producer's daily average market-share deliveries for all delivery periods during the calendar year immediately preceding: *Provided*, That for each delivery period of such preceding calendar year during which any handler received from producers and new producers a quantity of milk greater than 115 percent of his Class I milk and Class II milk, each producer from whom such handler received full market-share deliveries for 7 or more delivery periods of such preceding year shall be given credit for having delivered his market share during such delivery period.

Effective for each calendar year following 1941, subject to the adjustment provided in subparagraph (3) of this paragraph, compute such producer's daily average market-share deliveries for all delivery periods during the 12 months immediately preceding December 1 of the last previous year: *Provided*, That for each delivery period covered by such 12 months during which any handler received from producers and new producers a quantity of milk greater than 115 percent of his Class I and Class II milk, each producer from whom such handler received full market-share deliveries for 7 or more delivery periods covered by such 12 months shall be given credit for having delivered his market share during such delivery period.

(3) At the beginning of each calendar quarter the figure computed pursuant to this paragraph for each producer from whom a handler receives milk shall be adjusted by that percentage which will make the sum of all such figures equal to 115 percent of the Class I and Class II milk of such handler during the first three months of the four months immediately preceding.

(4) Effective for each delivery period, subsequent to July 31, 1940, for each producer who has been a new producer, compute a figure equal to the daily average of such producer's pounds of milk delivered in bulk to a handler for the period during which he was a new producer, subject to the adjustment provided in subparagraph (3) of this paragraph; and immediately after a record

of milk deliveries of such producer to a handler for a 12-month period becomes available, compute a new figure by dividing the total pounds of milk delivered by him in bulk to a handler during such 12-month period by the number of days upon which deliveries were made and multiplying the result by the most recent percentage figure used pursuant to subparagraph (3) of this paragraph in the computation of market shares of producers of the handler who receives the milk of such producer.

(5) The following rules shall be observed by the market administrator in the allotment and adjustment of market shares:

(i) Each producer who chooses option A by writing to the market administrator prior to August 15, 1940, will deliver his milk under the provisions of option A. Each producer who chooses option B by writing to the market administrator and each producer who makes no choice of options will deliver his milk under the provisions of option B. Each new producer, upon becoming a producer, shall be given 15 days to make a choice of option A or option B. Each producer shall be notified as to his daily market share.

(ii) Any producer may make a written request to the market administrator during December, January, February, and March of any year, for change from option B to option A. A producer who makes such a request shall begin the delivery of his milk under option A on the first day of the delivery period immediately following that during which the request was made. No producer may change from option A to option B except at the beginning of a calendar year.

(iii) The daily market share of a producer who elects to change from option B to option A shall be the daily average of such producer's pounds of milk delivered in bulk to a handler for that part of the period from September 15, 1938, up to the date of his application for such change in options during which his milk has been received by a handler, subject to the adjustment in subparagraph (3) of this paragraph. After September 15, 1941, the daily market share of each such producer shall be the daily average of such producer's pounds of milk delivered in bulk to a handler for that part of the 36-month period immediately preceding the date of his application for a change in options during which his milk has been received by a handler, subject to the adjustment provided in subparagraph (3) of this paragraph.

(iv) Any producer who, as the result of official testing for tuberculosis or Bang's disease, or testing for mastitis by a recognized veterinarian (documentary evidence of such losses, satisfactory to the market administrator, must be supplied), loses 20 percent or more of the cows in his herd, shall be given 12 months to replace the cows lost through such testing, without any reduction at the be-

ginning of the next calendar year in his daily market share, except as adjustments are made pursuant to subparagraph (3) of this paragraph.

(v) Upon the transfer of a producer from one handler to another, no adjustment shall be made in the daily market share of such producer computed pursuant to this paragraph, except that if the addition of such daily market share to the total of all daily market shares, computed pursuant to this paragraph for producers of the handler to whom such producer transfers, results in a sum greater than 118 percent of the daily average Class I and Class II milk of such handler during the calendar quarter immediately preceding, the daily market shares of all producers of such handler shall be adjusted by a percentage which will make their total equal to 115 percent of such daily average Class I and Class II milk; and no adjustment shall be made in the daily market share computed pursuant to this paragraph for producers of the handler from whom a producer transfers, except that if the transfer of the producer results in a sum of such daily market shares less than 112 percent of the daily average Class I and Class II milk of such handler during the calendar quarter immediately preceding, all such daily market shares shall be adjusted by a percentage which will make their total equal to 115 percent of such daily average Class I and Class II milk.

(vi) Market shares allotted to producers pursuant to this paragraph shall not be transferable: *Provided*, That market shares allotted under a tenant and landlord relationship shall be combined and shall be divided in the manner provided in subdivision (x) of this subparagraph when, and only when, such relationship is terminated.

(vii) As soon as daily market shares are allotted to producers pursuant to this paragraph, the market administrator shall notify each handler of the daily market shares of producers from whom such handler receives milk.

(viii) Any producer who ceases to market milk to a handler for a period of more than 45 consecutive days shall forfeit his daily market share. In the event that he thereafter commences to market milk to a handler, he shall receive a market share computed in the manner provided in subparagraph (4) of this paragraph for the allotment of market shares to producers who are new producers, and shall be treated for the purposes of this section as if he were a new producer.

(ix) A producer, whether landlord or tenant of a farm, may retain his daily market share when moving his entire herd of cows from one farm to another farm.

(x) A landlord who rents on a crop-share basis shall be entitled to the entire daily market share to the exclusion of the tenant, if the landlord owns the entire herd. Likewise, the tenant who rents on a crop-share basis shall be en-

titled to the entire dairy market share to the exclusion of the landlord, if the tenant owns the entire herd. If the cattle are jointly owned by tenant and landlord, the daily market share shall be divided between the joint owners according to the ownership of the cattle, if and when such joint owners terminate the tenant and landlord relationship.

(xi) In the case of a producer who distributes the milk he produces and who disposes of all or a part of his delivery routes to a handler, the market administrator shall determine a daily market share equal to the daily average Class I and Class II milk produced and disposed of during the previous 3 months on the delivery routes of such producer, which such producer and such handler jointly report as involved in the transaction, subject to verification by the market administrator. Any daily market share so determined shall be effective from its determination until the end of the then current calendar year, subject to the adjustment provided by subparagraph (3) of this paragraph, and thereafter shall be superseded by a daily market share determined pursuant to subparagraph (1) or (2) of this paragraph.

(g) *Additional payments.* Any handler may make payments for milk in addition to the payments to be made pursuant to paragraphs (b) (1) and (c) (1), (2), and (3) of this section: *Provided*, That such additional payments shall be made on a uniform basis to all producers for milk of like grade and quality received by such handler.

(h) *Errors in payments.* Whenever verification by the market administrator of the payment by a handler to any producer or new producer discloses a payment to such producer or new producer that is less than that required by this section, the handler shall make up such payment to the producer or new producer not later than the time of making payment to producers and new producers next following such disclosure.*

§ 930.8 Expense of administration—

(a) *Payment of handlers.* As his prorate share of the expense of administration hereof, each handler, with respect to all milk received from producers, an association of producers, new producers, or produced by him during the delivery period, shall pay to the market administrator on or before the 10th day after the end of the delivery period an amount per hundredweight not to exceed 2 cents, the exact amount to be determined by the market administrator, subject to review by the Secretary.*

§ 930.9 *Marketing services.*—(a) *Deduction for marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 4 cents per hundredweight (the exact amount to be determined by the market administrator, subject to review by the Secretary) from the payments made direct to producers

and new producers pursuant to § 930.7, with respect to all milk received by such handler during the delivery period from producers and new producers, and shall pay such deductions to the market administrator on or before the 10th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk of said producers and new producers and to provide them with market information; such services to be performed in whole or in part by the market administrator, or by an agent engaged by and responsible to him.

(b) *Payment to an association.* In the case of producers and new producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made pursuant to § 930.7 as may be authorized by such producers and new producers, and pay over, on or before the 15th day after the end of each delivery period, such deductions to the association rendering such services.*

§ 930.10 *Effective time, suspension, or termination of order, as amended.*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination of order, as amended.* The Secretary may suspend or terminate this order, as amended, or any provision hereof whenever he finds that this order, as amended, or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order, as amended, shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until removed by the Secretary, (ii)

from time to time account for all receipts and disbursements, and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.*

Now, therefore, the undersigned, acting under the provisions of Public Act No. 10, 37d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, for the purposes and within the limitations therein contained and not otherwise, hereby executes and issues this order, as amended, under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 16th day of September 1941, and declares this order, as amended, to be effective on and after the 21st day of September 1941.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-6957; Filed, September 17, 1941;
11:07 a. m.]

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[General Order No. C-28; Sup. 3]

PART 383—FEES AND PROCEDURE TO OBTAIN CERTIFICATIONS OF OR INFORMATION FROM RECORDS

AMENDED REGULATIONS GOVERNING FEES FOR COPIES OF RECORDS

SEPTEMBER 12, 1941.

Pursuant to the authority conferred by sections 327 and 342 of the Nationality Act of 1940 (54 Stat. 1151, 1161; 8 U.S.C. 727, 742); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8

U.S.C. 458); § 90.1 of Title 8, Chapter I, Code of Federal Regulations (5 F.R. 3503), and all other authority conferred by law, the following changes in the said Title 8, Chapter I, Code of Federal Regulations are hereby prescribed:

The title of Part 383 of the said regulations is changed from "Certification of Naturalization Records or Information" to "Fees and Procedure to obtain Certifications of or Information from Records."

Section 383.4 of the said regulations is amended to read as follows:

§ 383.4 *Copies of Service records and information; fees.* (a) Except where otherwise provided by law or by regulations under this title, there shall be paid to the Commissioner of Immigration and Naturalization for furnishing any person or agency, other than an official or agency of the Federal Government, with copies, certified or uncertified, of any part of, or information from, the records of the Service, a fee of 25 cents per folio, with a minimum fee of 50 cents for any one such service, in addition to a fee of \$1 for any official certification furnished under seal. Each sheet or page of the letter or other document furnished an applicant by the Commissioner shall be regarded as one folio in computing the required fee. Application for the desired service shall be made in prescribed form and shall be accompanied by the minimum fee of 50 cents or \$1.50, if a certification is desired, for each such service. The fee shall be submitted in the form of a money order payable to the "Commissioner of Immigration and Naturalization, Washington, D. C." The Commissioner, in his discretion, may waive the filing of a formal application, or advance payment of the fee, or both. The applicant will be advised if any fee in addition to the minimum is required under the provisions of paragraph (b) of this section for the requested service.

(b) The following instructions and illustrative schedule will be adhered to in computing fees for the furnishing of copies of documents or written information from the records of the Service under subdivision (b) (9) of section 342 of the Nationality Act of 1940:

(1) A minimum fee of 50 cents at the rate of 25 cents per sheet or page, shall be charged for the furnishing of each and every uncertified copy of document or for the furnishing of any one uncertified written advise or statement, for example:

Service requested in one application	Fee to be charged
Applicant requests one primary copy of one document (consisting of one sheet or page).....	\$0.50
Applicant requests one primary copy of one document (consisting of two sheets or pages).....	.50
Applicant requests one primary copy of one document (consisting of three sheets or pages).....	.75
Applicant requests two primary copies of one document (consisting of one sheet or page).....	1.00

Service requested in one application	Fee to be charged
Applicant requests two primary copies of one document (consisting of two sheets or pages).....	1.00
Applicant requests two primary copies of one document (consisting of three sheets or pages).....	1.50
Applicant requests information from the records (necessitating the furnishing of one 1-page letter or statement).....	.50
Applicant requests information from the records (necessitating the furnishing of one 2-page letter or statement).....	.50
Applicant requests information from the records (necessitating the furnishing of one 3-page letter or statement).....	.75
Applicant requests that he and one other be furnished information from the records (necessitating the furnishing of two 1-page letters or statements).....	1.00
Applicant requests that he and two others be furnished information from the records (necessitating the furnishing of three 1-page letters or statements).....	1.50
Applicant requests that he and one other be furnished information from the records (necessitating the furnishing of two 2-page letters or statements).....	1.00
Applicant requests that he and two others be furnished information from the records (necessitating the furnishing of three 3-page letters or statements).....	2.25

(2) Where the objective information requested in one application necessitates its extraction from several files relating to but one person, group or thing, the furnishing of the desired information in such circumstances, to but one party shall be regarded as but one service, and the information may be furnished in one letter or statement at the rate per sheet or page, as prescribed in the foregoing schedule; however, where the information requested in cases of this character is to be furnished to two or more persons, then the furnishing of each letter or statement shall be regarded as a separate and distinct service and an additional fee, or fees, shall be charged for each such additional service, thus:

Service requested in one application	Fee to be charged
Applicant requests that he be furnished information from, for example, his naturalization, visa and registry files (necessitating the furnishing of one 1-page letter or statement).....	\$0.50
Applicant requests that he and one other be furnished information from, for example, his naturalization, visa and registry files (necessitating the furnishing of two 1-page letters or statements).....	1.00

(3) Where the objective information requested in one application necessitates its extraction from one or more files relating respectively to two or more persons, groups or things, the furnishing of the desired information from the file or files relating respectively to each person, group or thing shall, in each instance, be regarded as a separate and distinct service, and separate letters or statements, each embodying collectively the information requested as to each person, group or thing, shall be prepared, thus:

Fee to be charged

Applicant requests that he be furnished information from, for example, the naturalization, visa and registry files relating respectively to himself and his wife (necessitating the furnishing of two 1-page letters or statements)..... \$1.00

Applicant requests that he and one other be furnished information from, for example, the naturalization, visa and registry files relating respectively to himself and his wife (necessitating the furnishing of four 1-page letters or statements)..... 2.00

(4) Where additional uncertified copies of documents or written advices or statements are applied for in order to meet the requirements of applicants, the fees for such additional copies of advices or statements shall be pro-rated as hereinabove exemplified.

(5) In each and every instance where it is desired that a copy of document or written information from the records be officially certified under seal, a fee of \$1.00 shall be charged for each such certification, in addition to the fees illustrated by the foregoing schedule.

(6) Where a photostatic copy of a document is furnished, the fee therefor shall be computed strictly on the basis of the number of sheets of photostatic material necessarily prepared in order to furnish a complete likeness of the document, thus:

Fee to be charged

Applicant requests one photostatic copy of one 1-page document (the original document containing written matter on one side only)..... \$0.50

Applicant requests one photostatic copy of one 1-page document (the original document containing written matter on both sides)..... .50

Applicant requests one photostatic copy of one 2-page document (the first page of the original document containing written matter on both sides, and the second page written matter on one side only)..... .75

(Nationality Act of 1940, sec. 342 (b) (9), 54 Stat. 1162; 8 U.S.C. 742)

LEMUEL B. SCHOFIELD,
Special Assistant to the
Attorney General in Charge.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc 41-6963; Filed, September 17, 1941;
11:38 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER I—BUREAU OF ANIMAL INDUSTRY

SUBCHAPTER F—ANIMAL BREEDS

[Amendment 8 to B.A.I. Order 365]

PART 151—RECOGNITION OF BREEDS AND PUREBRED ANIMALS

Pursuant to the authority vested in the Secretary of Agriculture by section 201,

paragraph 1606, Title II, of the Act of June 17, 1930 (46 Stat. 673; 19 U.S.C., sec. 1201, par. 1606), paragraph (a) of § 151.6, Chapter I, Title 9, Code of Federal Regulations [Section 2, paragraph 2, Regulation 2, B.A.I. Order 365], is amended, effective September 18, 1941, by adding to the subdivision of said paragraph relating to cattle the following breed and book of record:

§ 151.6 *List of recognized breeds and books of records of domestic animals across seas.* * * *

(a) *Recognized breeds and books of records across the seas.* * * *

Cattle

Name of breed	Book of record	By whom published
Highland cattle.	Highland cattle section of the Canadian National Live Stock Record General Stud and Herd Book.	Canadian National Live Stock Records, R. G. T. Hitchman, Director, Ottawa, Canada.

Done at Washington, D. C., this 17th day of September 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-6955; Filed, September 17, 1941;
11:06 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50477]

PART 4—APPLICATION OF CUSTOMS LAWS TO AIR COMMERCE

CHALKS FLYING SERVICE AIRPORT, MIAMI, FLORIDA, REDESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF ONE YEAR¹

SEPTEMBER 13, 1941.

The Chalks Flying Service Airport, Miami, Florida, is hereby redesignated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from September 17, 1941. (Sec. 7 (b), 44 Stat. 572; 49 U.S.C., 177 (b))

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-6958; Filed, September 17, 1941;
11:28 a. m.]

¹ This document affects the tabulation in 19 C.F.R. 4.13.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Dockets Nos. A-243, A-254, A-258, A-263, A-280]

PARTS 336, 337, 338, 342 AND 343—MINIMUM PRICE SCHEDULES, DISTRICT NOS. 16, 17, 18, 22 AND 23

ORDER OF THE DIRECTOR APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER; AND GRANTING FINAL RELIEF IN THE MATTER OF THE PETITIONS OF DISTRICT BOARDS 16, 17, 18, 22, AND 23 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 and Order No. 303 of the Division, having been filed with the Bituminous Coal Division by District Board 16 (Docket No. A-254); District Board 17 (Docket No. A-258); District Board 18 (Docket No. A-263); District Board 22 (Docket No. A-280); and District Board 23 (Docket No. A-243), proposing and seeking the establishment of price classifications and minimum prices for the coals of producers not theretofore classified and priced; and

Temporary relief, pending final disposition of these proceedings, having been granted by Orders of the Director, establishing the temporary effective minimum prices set forth and embodied in "Temporary Supplements" annexed to and made part of those orders;¹ and

A hearing having been held before a duly designated Examiner of the Division at a hearing room of the Division, Willard Hotel, Washington, D. C., on December 2 and 3, 1940; and

The Examiner having made proposed Findings of Fact and Conclusions of Law in this matter, dated June 25, 1941; and An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed; and

The Director having determined that the proposed Findings of Fact and Con-

¹ The temporary price classifications and minimum prices were established by the following Orders of the Director and embodied in the following Supplements annexed thereto:

Docket No. A-254 (District 16), November 8, 1940 (5 F.R. 4491), Temporary Supplement No. 6 to Price Schedule No. 1.

Docket No. A-258 (District 17), November 14, 1940 (5 F.R. 4593), Temporary Supplement No. 4 to Price Schedule No. 1.

Docket No. A-263 (District 18), November 6, 1940 (5 F.R. 4463), Temporary Supplement No. 3 to Price Schedule No. 1.

Docket No. A-280 (District 22), November 14, 1940 (5 F.R. 4568), Temporary Supplement No. 4 to Price Schedule No. 1.

Docket No. A-243 (District 23), November 13, 1940 (5 F.R. 4566), Temporary Supplement No. 4 to Price Schedule No. 1.

It is further ordered, That:

1. The Temporary Supplement annexed to the Order of the Director dated November 14, 1940, in Docket No. A-258 should be amended by the addition thereto of the following effective minimum prices: \$337.21 (General prices in cents per net ton for shipment into all market areas)

clusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director:

It is ordered, That the said proposed Findings of Fact and Conclusions of Law of the Examiner be, and the same are hereby, approved and adopted as the Findings of Fact and Conclusions of Law of the Director; and

Code member	Mine	Size group										
		1	2	3	4	5	6	7	9	10	11	13
Stralner, Anton Jr., (Canon Liberty Coal Co.)	Canon Liberty	\$4.55	\$4.45	\$4.25	\$4.00	\$3.95	\$3.85	\$3.50	\$3.20	\$2.85	\$1.95	\$1.45

It is further ordered, That the price classifications and minimum prices set forth in the Temporary Supplements annexed to the Orders of the Director dated November 14, 1940 (Docket No. A-258), as herein amended; and in the Temporary Supplements annexed to the Orders of the Director dated November 8, 1940 (Docket No. A-254); November 6, 1940 (Docket No. A-263); November 13, 1940 (Docket No. A-243); and November 14, 1940 (Docket No. A-280), be, and the same hereby are, established as the effective classifications and minimum prices for said coals. To that end § 337.4 (Code member price index) is amended by adding thereto Supplement A, § 337.21 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement A-1, § 336.5 (General prices; minimum prices, via rail transportation) is amended by adding thereto Supplement B, § 338.2 (Code member price index) is amended by adding thereto Supplement C, § 338.21

(General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement C-I, § 343.4 (Code member price index) is amended by adding thereto Supplement D, § 343.21 (General prices) is amended by adding thereto Supplement D-I, § 342.4 (Code member price index) is amended by adding thereto Supplement E, and § 342.21 (General prices) is amended by adding thereto Supplement E-I, which supplements are hereinafter set forth and hereby made a part hereof. Dated: August 20, 1941.

H. A. GRAY,
Director.

NOTE: The material in these supplements is to be read in the light of the instructions, exceptions and other provisions contained in Part 337, Minimum Price Schedule for District No. 17, and Supplements thereto.

The following changes shall be made in Price Schedule No. 1 for District No. 17: § 337.4 Code member price index—Supplement A. The following shall be listed in proper alphabetical order:

Producer	Mine	Mine index No.	County	Sub-district price group	Price section	
					Rail	Truck
Carestia, Paul	Carestia	452	Freemont	3	337.5	337.21
Charm Coal Co. (Clarence Erb)	Charm	448	Freemont	3	337.5	337.21
Clipp, Ray T.	Clipp	454	Delta	13	337.5	337.21
Coles, W. E.	New Castle #2	454	Garfield	18	337.5	337.21
Di Giacomo, Tony & Pasquale	Freemont	453	Freemont	3	337.5	337.21
Glover (N. R. Glover)	Lakeview	447	Montezuma	19	337.5	337.21
Guadagnoli Bros. Coal Co. (John Guadagnoli)	New Slope	396	Las Animas	7	337.5	337.21

Producer	Mine	Mine index No.	County	Sub-district price group	Price section	
					Rail	Truck
Martinez, Abel (Union Mine)	Union	446	Las Animas	8	337.5	337.21
Pioneer Coal Mine (Louis Viola)	Pioneer	443	Huerfano	1	337.5	337.21
Talarico, Ralph	Grasso	456	Mesa	16	337.5	337.21
Stremel, Joseph F.	Crow Bar	442	Routt	5	337.5	337.21
Vento, Tony (Vento Coal Co.)	Vento	450	Freemont	3	337.5	337.21

§ 337.21 General prices in cents per net ton for shipment into all market areas—Supplement A-I. Insert the following Code Member names, mine names, counties and prices in proper alphabetical order according to Sub-District number:

Code member	Mine	County	Size groups													
			1	2	3	4	5	6	7	9	10	11	13	15	17	
SUB-DISTRICT No. 1																
Pioneer Coal Mine (Louis Viola).	Pioneer	Huerfano	505	495	475	475	450	420	410	365	310	255	195	340		
SUB-DISTRICT No. 3																
Carestia, Paul (Canon Coal Creek Coal Co.).	Carestia	Freemont	455	445	425	425	400	395	385	350	310	285	195	145	340	
Charm Coal Co. (Clarence Erb)	Charm	Freemont	455	445	425	425	400	395	385	350	310	285	195	145	340	
DiGiacomo, Tony & Pasquale	Canon Shamrock	Freemont	455	445	425	425	400	395	385	350	310	285	195	145	340	
Vento, Tony (Vento Coal Company).	Vento	Freemont	455	445	425	425	400	395	385	350	310	285	195	145	340	
SUB-DISTRICT No. 5																
Stremel, Joseph F.	Crow Bar	Routt	455	445	425	425	400	370	300	315	285	260	170	315		
SUB-DISTRICT No. 7																
Guadagnoli Bros. Coal Company (John Guadagnoli).	New Slope	Las Animas	430	420	400	400	375	375	365	330	315	225	340			
SUB-DISTRICT No. 8																
Martinez, Abel (Union Mine)	Union	Las Animas	415	405	375	375	375	375	365	330	315	225	340			
SUB-DISTRICT No. 13																
Clipp, Ray T.	Ideal	Delta	415	400	400	375	375	375	360	320	185	175	300			
SUB-DISTRICT No. 16																
Talarico, Ralph	Grasso	Mesa	390	375	375	350	350	350	325	285	245	165	285			
SUB-DISTRICT No. 18																
Coles, W. E.	New Castle #2	Garfield	400	474	755	450	450	450	425	275	185	325	325			
SUB-DISTRICT No. 19																
Glover (N. R. Glover)	Lake View	Montezuma	375	375	375	375	375	375	375	355	169	300	300			

Issued in accordance with Order of the Director of the Bituminous Coal Division in Docket No. A-258, dated November 14, 1940, 9 F. R. 4895.

Issued in accordance with Order of the Director of the Bituminous Coal Division in Docket No. A-243, dated November 13, 1940, 5 F. R. 4566.

NOTE: The material in these supplements is to be read in the light of the instructions, exceptions and other provisions contained in Part 342, Minimum Price Schedule for District No. 22 and Supplements thereto.

The following changes shall be made in Price Schedule No. 1 for District No. 22:

§ 342.4 Code member price index.—Supplement E. Insert the following Code member listings in proper alphabetical order:

Producer	Mine	Mine index No.	County	Sub district price group	Prices section (truck)
Almond, Richard & George Galbavy.....	Blue Pony.....	281	Chouteau.....	7	342.21
Almond, Richard & George Galbavy.....	Georges.....	101	Chouteau.....	7	342.21

§ 342.21 General prices—Supplement E-I. Insert the following listings and prices in proper order under Sub-District No. 7:

Producer	Mine	County	Size groups				
			1	2	5	9	10
Almond, Richard & George Galbavy.....	Blue Pony.....	Chouteau.....	425	400	350	150	100
Almond, Richard & George Galbavy.....	Georges.....	Chouteau.....	425	400	350	150	100

[F. R. Doc. 41-6930; Filed, September 16, 1941; 9:55 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 962—STEEL

Supplementary Order No. M-21—a Relating to Alloy Iron, Alloy Steel and Wrought Iron

§ 962.2 Supplementary order—(a) Definition. For the purposes of this Order, "Alloy Steel" means any steel, and "Alloy Iron" means any iron, containing any one or more of the following elements in the following amounts:

Manganese in excess of 1.65%

Silicon in excess of 0.60%

Copper in excess of 0.60%

Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

(b) Priority control. All the provisions and definitions of General Preference Order M-21,¹ issued August 9, 1941, and of Priorities Regulation No. 1,² issued August 27, 1941, as amended from time to time, shall be applicable to alloy iron, alloy steel and wrought iron and are hereby included as a part of this Order with the same effect as if specifically set forth herein, except as otherwise specifically provided herein.

(c) Directions as to deliveries and as to alloying content. The Director of Priorities may from time to time issue

directions to any Producer, directing or forbidding specific deliveries, or specifying as to any alloying element the quantities and proportions which may be used in making alloy iron or alloy steel, and whether, and in what proportions, any such element is to be the metal, a ferro-alloy, reclaimed metal scrap, a chemical compound or any other material containing such element. A Producer who shall violate any such direction, or any person who knowingly receives delivery of alloy iron or alloy steel in violation thereof, may be prohibited from making or receiving further deliveries of such material or subjected to such other action as the Director of Priorities may deem appropriate.

(d) Restriction of deliveries under toll agreements. No person shall make any delivery under any contract now outstanding or hereafter entered into for the delivery of alloy iron or alloy steel which he processes, fabricates or casts by toll agreement for any other person, unless specifically authorized to do so by the Director of Priorities.

(e) Revocation of General Preference Order M-5. General Preference Order M-5,³ as amended, Supplementary Order M-5-a,⁴ as amended, and Supplementary Order M-5-b,⁵ issued to conserve the supply and direct the distribution of nickel-bearing steel, are hereby revoked, effective as of the effective date of this Supplementary Order.

(f) General Preference Order N-14 still effective. Nothing contained herein shall be construed to amend or modify any of the provisions of General Prefer-

ence Order M-14,⁶ to conserve the supply and direct the distribution and use of tungsten in high-speed steel.

(g) Effective dates. This Supplementary Order shall take effect on the 16th day of September, 1941, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 30th day of November, 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 16th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-6944; Filed, September 16, 1941; 3:04 p. m.]

[Preference Rating Order P-46]

PART 978—UTILITIES

Maintenance, Repair and Supplies

§ 978.1 Preference rating order P-46. For the purpose of facilitating the acquisition of Material for the maintenance and repair of the property and equipment of the industries and services hereinafter specified, and the operation of such industries and services, a preference rating is hereby assigned to deliveries of such Material upon the terms hereinafter set forth. Such terms shall control until such time as the Office of Production Management certifies specific quantities of such Material to which the preference rating herein assigned may be applied.

(a) Definitions. (1) "Producer" means any individual, partnership, association, corporation, governmental unit or other form of organization engaged in one or more of the following services:

(i) Supplying electric power directly or indirectly for general use by the public;

(ii) Supplying gas, natural or manufactured, directly or indirectly for general use by the public;

(iii) Supplying water directly or indirectly for general use by the public;

(iv) Public sanitation services, but not including manufacturers of public sanitation products;

(v) Supplying central steam heating directly or indirectly for general use by the public.

(2) "Material" means any commodity, equipment, accessories, parts, assemblies or products of any kind.

(3) "Maintenance" means the up-keep of a Producer's property and equipment in sound working condition.

(4) "Repair" means the restoration of a Producer's property and equipment to

¹ 6 F.R. 4005.

² 6 F.R. 4429.

³ 6 F.R. 1911.

⁴ 6 F.R. 1911, 2237.

⁵ 6 F.R. 3009.

⁶ 6 F.R. 2876.

a sound working condition after wear and tear, damage, destruction of parts, or the like, have made such property or equipment unfit or unsafe for service.

(5) "Operating Supplies" means any Material which is essential to the operation of any of the industries or services specified above, and which is generally carried in Producers' stores and charged to operating expense accounts.

(6) The terms "Operating Supplies", "Maintenance", and "Repair" do not include Material for:

(i) The improvement of a Producer's property or equipment through the replacement of Material which is still usable in the existing installation with Material of a better kind, quality or design;

(ii) Additions to, or expansion of, such property or equipment, other than the connection of new consumers to the general lowest pressure or lowest potential system of the Producer, and minor improvements needed for relief from serious overload and other minor capital additions;

(iii) Expansion of the service area of the Producer.

(7) "Supplier" means any person with whom a purchase order or contract has been placed by a Producer or another Supplier for Material (i) required by the Producer either as operating supplies or for the maintenance or repair of his property and equipment, or (ii) to be physically incorporated in other Material so required by the Producer.

(8) "Calendar Quarterly Period" means the quarterly period commencing on the first day of the first, fourth, seventh, and tenth months of the calendar year and ending, respectively, on the last day of the third, sixth, ninth, and twelfth months of the calendar year.

(b) *Assignment of preference rating.* Subject to the terms of this Order, Preference Rating A-10 is hereby assigned:

(1) To deliveries, to a Producer, of Material required by him either as Operating Supplies or for the Maintenance or Repair of his property and equipment;

(2) To deliveries, to any Supplier, of Material (i) required by the Producer either as Operating Supplies or for the Maintenance or Repair of his property and equipment, or (ii) to be physically incorporated in other Material so required by the Producer.

(c) *Persons entitled to apply preference rating.* The preference rating hereby assigned may be applied by (1) a Producer; (2) any Supplier provided deliveries to a Producer or another Supplier are to be made by him, which are of the kind specified in paragraph (b) and have been rated pursuant to this Order.

(d) *Application of preference rating.* (1) A Producer, before applying the preference rating to deliveries to him, must:

(i) Execute duplicate originals of the acceptance attached hereto, certifying

that he is entitled to apply the preference rating hereby assigned and agreeing to be bound by the provisions of this Order; and

(ii) File one such executed copy of the acceptance with the Power Branch, Office of Production Management. The Producer shall keep and preserve the other executed copy at his regular place of business for inspection by authorized representatives of the Office of Production Management.

(2) The Producer and each Supplier, in order to apply the preference rating to deliveries to him, must endorse the following statement on the original and all copies of each purchase order or contract for Material, the delivery of which is entitled to the preference rating hereby assigned: "Purchase Order for Utilities Operation, Maintenance and Repair, Preference Rating A-10, pursuant to Preference Rating Order No. P-46," and deliver the original or a copy thereof to the seller of such Material. Such endorsement shall constitute a certification to the Office of Production Management that the Producer or Supplier is entitled to apply the rating to such delivery pursuant to this Order. Such purchase order or contract shall not include any Material the delivery of which is not rated pursuant to this Order.

(3) The Producer or Supplier placing any such rated purchase order or contract and the seller of the Material covered thereby must each retain endorsed copies of all such orders or contracts, segregated from all other purchase orders or contracts, for a period of two years from the date thereof for inspection by authorized representatives of the Office of Production Management.

(4) The preference rating hereby assigned may be applied to written purchase orders or contracts only.

(e) *Restrictions on application of rating.* The preference rating hereby assigned shall not be applied:

(1) Unless the Material to be delivered cannot be secured when required without such rating;

(2) To obtain deliveries greater in quantity, or on dates earlier, than required for the Operation, Maintenance or Repair of a Producer's property or equipment;

(3) By a Supplier to obtain Material for a delivery by him which has not been rated pursuant to this Order.

(f) *Restrictions on deliveries, withdrawals and inventory.* (1) No Producer shall, during any Calendar Quarterly Period, accept deliveries (whether or not rated pursuant to this Order) of any items of Material to be used as Operating Supplies or for Maintenance or Repair or any other purpose the aggregate dollar volume of which shall exceed 25% of the aggregate dollar volume of the withdrawals of items of Material of the same class from stores or inventory during the calendar year 1940 unless such deliveries shall be specifically authorized

in advance by the Office of Production Management on the Producer's application therefor.

(2) No Producer shall, at any time, accept deliveries (whether or not rated pursuant to this Order) of any item of Material to be used as Operating Supplies or for Maintenance or Repair or any other purpose until the Producer's inventory and stores of items of Material of the same class have been reduced to a practical working minimum, unless such delivery shall be specifically authorized in advance by the Office of Production Management on the Producer's application therefor. Such practical minimum shall in no case exceed the aggregate dollar volume of items of Material of the same class in inventory and stores on December 31, 1940.

(3) No Producer shall, during any Calendar Quarterly Period, make withdrawals from stores or inventory of any items of Material to be used as Operating Supplies or for Maintenance or Repair or for any other purpose the aggregate dollar volume of which shall exceed the aggregate dollar volume of the withdrawals of such items of Material of the same class during the corresponding quarter of 1940, or, at the Producer's option, 25% of the aggregate dollar volume of the withdrawals of such items of Material of the same class during the calendar year 1940 unless such withdrawals shall be specifically authorized in advance by the Office of Production Management on the Producer's application therefor.

(4) Notwithstanding the provisions contained in paragraphs (f) (1), (2), and (3), a Producer may in any Calendar Quarter increase the aggregate dollar volume of deliveries accepted of Material for use as Operating Supplies, withdrawals of Material for such use, or inventory of Material for such use over the aggregate dollar volume of deliveries, withdrawals or inventory of Operating Supplies during the last preceding corresponding Calendar Quarter proportionately to the increase of the system output in such quarters.

(g) *Audits and Reports.* (1) Each Producer or Supplier who applies the preference rating hereby assigned, and each person who accepts a purchase order or contract for Material to which the preference rating is applied, shall submit from time to time to an audit and inspection by duly authorized representatives of the Office of Production Management.

(2) Each such Producer or Supplier shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request. No such reports shall be filed until such time as the proper forms are prescribed by the Office of Production Management.

(3) Until further order each Producer accepting this Order shall, within 30 days after receipt from the Office of Production Management of the acknowledgment of such acceptance, file with the

Office of Production Management a certified report in the form accompanying such acknowledgment.

(4) Each Producer shall maintain a continuing inventory of Material included in stores accounts.

(h) *False statements and penalties.* Any person who applies the preference rating hereby assigned in wilful violation of the terms and provisions of this Order or wilfully falsifies any records which he is required to keep by this Order, or who obtains a delivery of Material by means of a material and wilful misstatement will be forbidden to further apply said rating. Such person may also be prohibited from obtaining further deliveries of Material under allocation and be deprived of any other priorities assistance. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(i) *Revocation or modification.* This Order may be revoked or amended by the Director of Priorities at any time as to any Producer or Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of this rating to any other deliveries shall thereafter be made by the Producer or Supplier affected by said revocation or expiration.

(j) *Effective date.* This Order shall take effect immediately, and unless sooner revoked shall expire on the 31st day of March, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 17th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

ACCEPTANCE OF PREFERENCE RATING ORDER
No. P-46¹

To be signed by a principal officer of the producer before applying the preference rating assigned by Preference Rating Order P-46

The undersigned certifies to the Director of Priorities of the Office of Production Management that he is engaged in the following industry or service:

and is therefore a Producer entitled to apply the preference rating assigned under Preference Rating Order No. P-46, issued by the Division of Priorities, Office of Production Management, in accordance with the definition of "Producer" therein contained and the

other terms thereof; that he has read the Order, and hereby agrees to be bound by all the terms and conditions thereof.

Dated this _____ day of _____, 1941.

Legal name of producer

By:

Principal officer (president, vice president, or other corresponding official)

(Address)

INSTRUCTIONS

The Producer shall insert the classification of Producer, as defined, to which he belongs, execute one copy of this Acceptance and send it to the Power Branch, Office of Production Management, Washington, D. C., and shall execute and retain a second copy as specified in Preference Rating Order P-46. No Supplier shall execute this Acceptance.

Section 35A of the Criminal Code, 18 U.S.C. 80, makes it a criminal offense to make a false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction.

[F. R. Doc. 41-6965; Filed, September 17, 1941; 11:47 a. m.]

[Preference Rating Order No. P-56]

PART 982—MINES

Maintenance, Repair, and Supplies

§ 982.1 *Preference rating order P-56.* For the purpose of facilitating the acquisition of material for the maintenance and repair of the property and equipment of, and for supplies for Mines, preference ratings are hereby assigned to deliveries of such material upon the terms hereinafter set forth, until such time as the Office of Production Management certifies specific quantities of such material to which the preference ratings herein assigned may be applied.

(a) *Definitions.* (1) "Person" means any individual, partnership, association, corporation, or other form of enterprise.

(2) "Mine" means any plant physically situated within the limits of the United States, its territories and possessions, and actually engaged in the extraction by surface, open-pit or underground methods, or in the beneficiation, concentration or preparation for shipment of the products of mining activity.

(3) "Mine Operator" means any person operating a Mine to whom a Mine Serial Number has been issued in accordance with the provisions of paragraph (b).

(4) "Supplier" means any person with whom a purchase order or contract has been placed by a Mine Operator or another Supplier for material

(i) Required by a Mine Operator for maintenance, emergency repair, emergency inventory, or operating supplies of a Mine, or

(ii) To be physically incorporated in other material so required by a Mine Operator.

(5) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind.

(6) "Maintenance" means minimum upkeep necessary to continue the working condition of the essential operating equipment of a Mine at its then current rate of production.

(7) "Emergency Repair" means a restoration of Mine property which is necessary to re-establish Mine operation after a breakdown or suspension of operations because of damage, wear and tear, destruction of parts, or the like.

(8) "Emergency Inventory" means minimum inventory of material required to make reasonable advance provision for emergency repair of a Mine.

(9) "Operating Supplies" means material which is essential to and consumed in the operation of a Mine and which is generally classified as "mine supplies" or "mine stores."

(b) *Certification of mines.* The agency designated by the Governor or other chief executive officer of each state, territory or possession shall furnish in duplicate to the Office of Production Management a certificate setting forth the names of the persons operating within such state, territory or possession a recognized mining enterprise actually engaged in the extraction by surface, open-pit, or underground methods, or in the beneficiation, concentration or preparation for shipment, of the products of mining activity, (but not including that form of mining known as "gold placer mining"). The Office of Production Management will thereupon issue to each such Person who may be approved by the Director of Priorities, through such state agencies, a Mine Serial Number. Any person aggrieved by failure or refusal of a state agency to certify him as a Mine Operator may apply in writing to the Director of Priorities for issuance of a Mine Serial Number. The Director of Priorities may thereupon take such action as he deems appropriate.

(c) *Assignment of preference ratings.* Subject to the terms of this Order, the following preference ratings are hereby assigned, but nothing herein contained shall prevent the use of any other or higher rating to which any person may be entitled by reason of any other Preference Rating Certificate or Order.

(1) A-1-a to deliveries to a Mine Operator of material essential for emergency repair of a Mine, as approved by the Office of Production Management pursuant to paragraph (e) (1).

(2) A-3 to deliveries to a Mine Operator of material required for emergency inventory or for operating supplies or for maintenance of a Mine.

(3) A-3 to deliveries to a Supplier

(i) Of material required by a Mine Operator for maintenance, emergency repair, emergency inventory or operating supplies of a Mine, and

¹ Execute in duplicate, and retain one copy.

(ii) Of material to be physically incorporated in other material so required by a Mine Operator.

(d) *Persons entitled to apply preference ratings.* The preference ratings hereby assigned may be applied by a Mine Operator or by any Supplier making to a Mine Operator or another Supplier deliveries of the kinds specified in paragraph (c) which have been rated pursuant to this Order.

(e) *Application of preference ratings.* (1) A Mine Operator, in order to apply the A-1-a preference rating assigned by paragraph (c) (1), must communicate with the Office of Production Management, describing the material essential for emergency repair and the nature of the emergency necessitating such repair. The Office of Production Management will notify such Mine Operator whether, and to what extent, his application is approved, and a copy of such notification shall be furnished by the Mine Operator to his Supplier to evidence the A-1-a rating.

(2) A Mine Operator or a Supplier, in order to apply the A-3 preference rating assigned by paragraph (c) (2) and (3), must endorse the following statement on the original and all copies of each purchase order or contract for material the delivery of which is entitled to such preference rating:

Purchase order for Materials for a Mine rated pursuant to Preference Rating Order P-56, Mine Serial No. , Rating A-3. This application of the rating is made pursuant to the terms and conditions of that Order, with which the undersigned is familiar.

By: _____
(Name of mine operator or supplier)
(Authorized signature)

Such purchase order or contract so endorsed shall be delivered to the seller of such material. Such endorsement shall constitute a certification to the Office of Production Management that the Mine Operator or Supplier is entitled to apply such rating to such delivery pursuant to this Order. Such purchase order or contract must be in writing and shall not include any material the delivery of which is not rated pursuant to this Order.

(3) A Mine Operator or Supplier placing any such rated purchase orders or contracts and the Supplier selling the material covered thereby, must each retain endorsed copies of such purchase orders, contracts, notifications and other relevant documents segregated from all other purchase orders or contracts for a period of two years from the date thereof for inspection by authorized representatives of the Office of Production Management.

(f) *Restrictions on application of rating.* The preference ratings hereby assigned shall not be applied

(1) Unless the material to be delivered cannot be secured when required without such rating;

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(2) To obtain deliveries greater in quantity or on dates earlier than required for the operation, maintenance or repair of Mine property or equipment;

(3) By a Supplier to obtain material for a delivery by him which has not been rated pursuant to this Order.

(g) *Restrictions on inventory.* No Mine Operator shall accept deliveries (whether or not rated pursuant to this Order) of operating supplies or other material which will increase such Mine Operator's inventory of such operating supplies or other material to an amount greater than the minimum necessary for the efficient operation of his business, and the ratio of inventory to current production shall in no event exceed the ratio of average inventory to average production for the years 1938, 1939, and 1940.

(h) *Resale of operating supplies and other material prohibited.* Except with specific permission of the Director of Priorities, no Mine Operator shall resell any operating supplies or other materials (whether or not obtained pursuant to rating assigned by this Order) except to another Mine Operator.

(i) *Conservation and standardization.* Every person affected by this Order shall use his best efforts to effectuate conservation of materials by elimination, simplification or standardization of types, sizes or forms, or otherwise, and to cooperate in any program developed for such purpose by the Office of Production Management. The Director of Priorities may from time to time issue specific directions as to conservation, elimination and standardization.

(j) *Relief.* In case the productivity or sound working condition of any Mine is adversely affected by any provision or application of this Order or by inability to obtain essential operating supplies or other materials, such Mine may apply for relief to the Director of Priorities. The Director of Priorities may thereupon take such action as he deems appropriate.

(k) *Records, audit and reports.* Each Mine Operator and each Supplier shall keep and preserve for a period of not less than two years accurate and complete records of all transactions affected by this Order and shall submit from time to time to audit and inspection by duly authorized representatives of the Office of Production Management. Each Mine Operator and each Supplier shall execute and file with the Office of Production Management or other designated agency, such reports and questionnaires as the Office of Production Management shall from time to time require. Until otherwise directed, each Mine Operator shall file with the designated state agency on or before the 10th day of each month, beginning October 10, 1941, a report of purchases made during the preceding month pursuant to the ratings granted by this Order.

(l) *Violations.* Any person affected by this Order who violates any of its provisions or a provision of any other Order, regulation or other directive of the Office of Production Management may be deprived of priorities assistance, or subjected to such other or further action as the Director of Priorities may deem appropriate.

(m) *Revocation or modification.* This Order may be revoked or modified by the Director of Priorities at any time as to any Mine Operator or Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of this rating to any other deliveries shall thereafter be made by the Mine Operator or Supplier affected by said revocation or expiration.

(n) *Revocation of prior order.* The provisions of Preference Rating Order P-22, insofar as they relate to Mines, are hereby revoked.

(o) *Effective date.* This Order shall take effect immediately, and unless sooner revoked shall expire on the 30th day of April 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 17th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-6966; Filed, September 17, 1941;
11:47 a. m.]

TITLE 47—TELECOMMUNICATION CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

CORRECTION

Attention is directed to an error in § 9.72 *Miscellaneous calling and working frequencies*, appearing in the Saturday, August 16, 1941 issue of the FEDERAL REGISTER on page 4105:

The frequency "330 kilocycles" in the first paragraph should read "333 kilocycles".

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-6962; Filed, September 17, 1941;
11:30 a. m.]

TITLE 50—WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

PART 26—EAST CENTRAL REGION NATIONAL WILDLIFE REFUGES

CHAUTAUQUA NATIONAL WILDLIFE REFUGE, ILLINOIS

Pursuant to the provisions of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715i), the administration of which was transferred to the Secretary of the Interior on July 1, 1939, in accordance with Reorganization Plan No. II (53 Stat. 1431), the regulations governing "Fishing within the Chautauqua Migratory Waterfowl Refuge, Illinois," approved June 8, 1940,¹ by the Acting Secretary of the Interior, are amended, effective upon publication of this amendment in the FEDERAL REGISTER, as follows:

The title of the regulations is amended by striking out the words "Migratory Waterfowl" and inserting in lieu thereof the words "National Wildlife" so as to read "Fishing within the Chautauqua National Wildlife Refuge, Illinois,"² and numbered paragraph (2) *Recreational (noncommercial) fishing* of said regulations is amended by striking out the date "May 1" and inserting in lieu thereof the date "April 15."

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

Date: September 8, 1941.

[F. R. Doc. 41-6946; Filed, September 17, 1941;
9:27 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1615-FD]

IN THE MATTER OF E. D. LONG, TRADING
AS E. D. LONG & SONS, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on March 10, 1941, by the Bituminous Coal Producers' Board for District 15, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that E. D. Long, the defendant, a code member in District 15, had wilfully violated: (a) the Schedule of Effective Minimum Prices for District 15 for Truck Shipment by selling substantial quantities of lump coal produced at defendant's mine (Mine Index No. 784) Ralls County, Missouri, to the

St. Louis & Hannibal Railroad at prices of \$2.35 per ton, and to various parties delivered at Hannibal, Missouri, at prices of \$2.22, \$2.25, and \$2.35 per ton, whereas the effective minimum price for lump coal is \$2.30 for truck shipment f. o. b. the mine, and (b) by selling lump coal f. o. b. railroad cars at his mine although the mine is not classified as a rail shipping mine and no prices are provided for defendant's mine in the Effective Minimum Price Schedules for District 15 For Shipment Except Truck, and praying that the Division either cancel and revoke the defendant's code membership, or in its discretion direct the defendant to cease and desist from violation of the code and rules and regulations thereunder;

A hearing having been held before a duly designated Examiner of the Division at Hannibal, Missouri, on May 21, 1941;

The Examiner, W. A. Shipman, having made Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter, dated August 12, 1941, in which it was recommended that the defendant's code membership be revoked and cancelled;

An opportunity having been afforded to all parties to file exceptions to the Examiner's Report and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is therefore ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That the code membership of the defendant, E. D. Long, trading as E. D. Long & Sons in Ralls County, Missouri, be and it is hereby revoked and cancelled;

It is further ordered, That as a condition to reinstatement to membership in the code, the defendant, pursuant to section 5 (c) of the Act, pay a tax to the United States in the sum of \$597.86.

Dated: September 16, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6948; Filed, September 17, 1941;
10:56 a. m.]

[Docket No. 1595-FD]

IN THE MATTER OF F. B. COAL COMPANY, A
PARTNERSHIP, DEFENDANT

ORDER REVOKING AND CANCELLING CODE
MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937,

by District Board 12, complainant, alleging wilful violation by F. B. Coal Company, a partnership of Jess Simmons, Fred and Hubert Burk, code member in District 12, the defendant, of the Bituminous Coal Code, or rules and regulations thereunder as follows:

That the defendant with full knowledge of the requirements contained in the Effective Minimum Price Schedule for District 12 for Truck Shipments and with intent to violate the same and in violation thereof, sold, between October 1, 1940, and February 19, 1941, 212.33 tons of screenings (Size Group 8) delivered in cars to a ramp at Hamilton, Iowa, at \$1.50 per ton; whereas the effective minimum price established for such coal is \$1.60 per ton f. o. b. the mine;

Pursuant to an order of the Director and after notice to all interested persons, a hearing having been held in this matter on April 9, 1941, before W. A. Shipman, a duly designated examiner of the Division at a hearing room thereof;

All parties having joined in waiving the preparation and filing of a report by the Examiner; the record of the proceeding thereupon having been submitted to the undersigned for consideration;

The undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That the code membership of the defendant, F. B. Coal Company, a partnership composed of Jess Simmons, Fred Burk and Hubert Burk, be and is hereby revoked and cancelled;

It is further ordered, That, prior to any reinstatement of the defendant, F. B. Coal Company, or Jess Simmons, Fred Burk or Hubert Burk, partners therein, to membership in the code, there shall be paid to the United States a tax in the amount of \$132.49, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: September 16, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6949; Filed, September 17, 1941;
10:56 a. m.]

[Docket No. A-478]

PETITION OF DISTRICT BOARD 11 FOR THE ESTABLISHMENT OF RAILROAD FUEL PRICES FOR MINE INDEX NOS. 5, 57, 58, 80, 81, 87 AND 88, OF DISTRICT 11, UPON COAL SOLD TO THE C. I. & L. RAILWAY FOR FUELING ITS LOCOMOTIVES AT THE K. & I. RAILWAY COAL DOCK AT LOUISVILLE, KENTUCKY

ORDER DENYING RELIEF

An original petition and an amendment thereto, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 11, seeking the establishment of a price of \$1.57 per ton for certain coals of the Ayrshire, Lucky Strike, Mariah

¹ 5 F.R. 2270.

² See Proclamation No. 2416, of July 25, 1940 (5 F.R. 2677), changing the names of certain Federal wildlife refuges.

Hill No. 1, Star Hill No. 1, Star Hill No. 2, Sunlight No. 11, and Super Five Mines (Mine Index Nos. 5, 57, 58, 80, 81, 87 and 88, respectively) located on the Southern Railway in District 11, sold to the Chicago, Indianapolis & Louisville Railway for fueling its locomotives at the railway coal dock of the Kentucky & Indiana Terminal Railroad at Louisville, Kentucky, and praying for other related relief;

Temporary and conditionally final relief having been granted by Order dated January 28, 1941, and thereafter, upon intervention by Consumers' Counsel Division in opposition thereto, by Order of March 26, 1941, conditionally final relief having been terminated, temporary relief continued, and the matter duly set for hearing;

A petition of intervention having been filed by Sunlight Coal Company and notice of appearance filed by Consumers' Counsel Division;

A hearing having been held before D. C. McCurtain, a duly designated Examiner of the Division in Washington, D. C., on May 22, 1941, at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

All the parties to this proceeding having waived the preparation and filing of a report by the Examiner, and the matter therefore having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law, and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the relief prayed for in the petition of District Board 11 herein and the intervening petition of Sunlight Coal Company be and the same hereby are denied; and

It is further ordered, That the temporary relief now in effect in this matter be and the same hereby is terminated and rescinded, effective fifteen (15) days from the date of this Order.

Dated: September 16, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-6950; Filed, September 17, 1941;
10:56 a. m.]

[Docket No. A-961]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 8 FOR PRELIMINARY, OR TEMPORARY AND PERMANENT ORDER ESTABLISHING MINIMUM ON-LINE RAILWAY LOCOMOTIVE FUEL PRICES FOR COAL PRODUCED IN DISTRICT NO. 8 BY ISLAND CREEK COAL COMPANY MINES NOS. 15 AND 16, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER RESCHEDULING HEARING

The Examiner having on August 27, 1941, indefinitely continued the hearing in the above-entitled matter, on motion of Counsel for District Board No. 8, sub-

ject to the further Order of the Director; and

It appearing advisable to the Director that the matter be set down for hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held at 10 o'clock in the forenoon of October 7, 1941, at the place heretofore designated and before the officers previously designated to preside at said hearing.

Dated: September 16, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-6951; Filed, September 17, 1941;
10:56 a. m.]

[Docket No. 1643-FD]

IN THE MATTER OF K. B. CORNIA (DEER CREEK COAL MINING COMPANY), REGISTERED DISTRIBUTOR, REGISTRATION NO. 2209, DEFENDANT

ORDER SUSPENDING DISTRIBUTOR'S REGISTRATION

This proceeding having been instituted by the Bituminous Coal Division, pursuant to section 4 II (h) of the Bituminous Coal Act of 1937, and Section 304.14 of the Rules and Regulations for the Registration of Distributors, by a Notice of and Order for Hearing dated April 28, 1941, to determine whether K. B. Cornia, doing business as the Deer Creek Coal Mining Company, a registered distributor, Registration No. 2209, of 721 McIntyre Building, Salt Lake City, Utah, has violated the Bituminous Coal Act of 1937, or rules and regulations thereunder in any manner including, but not in limitation thereof, the following: The sale of coal in Size Group No. 3 in violation of section 4 II (e) of the Act, the schedule of Effective Minimum Prices for District 20 for All Shipments and Paragraph (b) of the Distributor's Agreement; the acceptance of distributors' discounts from effective minimum prices on coal handled physically by defendant in violation of Rule 1, section III of the Marketing Rules and Regulations, and section (d) of the Distributor's Agreement; the acceptance of distributors' discounts from the effective minimum prices on purchases and resales of coal in less than carload lots not moving in a continuous flow in violation of Rule 1 of section III of the Marketing Rules and Regulations, and section (d) of the Distributor's Agreement; and failure to furnish copies of resale contracts and invoices in violation of section (f) of the Distributor's Agreement;

Personal service of the Notice of and Order for Hearing having been made on the defendant on May 5, 1941; hearing having been held before a duly designated Examiner of the Division in Salt Lake City, Utah, at which all interested parties were afforded an opportunity to be present and participate fully;

The Examiner's Report having been waived, the matter thereupon being submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law, and having rendered an Opinion in this matter, which are filed herewith;

Now therefore it is ordered, That the registration of K. B. Cornia, doing business as the Deer Creek Coal Mining Company, as a registered distributor, be and it hereby is suspended for a period of ninety (90) days from the effective date of this Order, without prejudice to the right of the defendant to petition for reinstatement at the end of that period upon satisfaction of the conditions hereinafter set forth; and that the defendant, its officers, representatives, agents, servants, employees and attorneys, be and they hereby are prohibited from receiving or accepting any discounts as registered distributor, either directly or indirectly, on coal purchased by them or any of them during said period of suspension: *Provided, however*, That if defendant shall not have complied with the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors within said period of suspension, said suspension shall continue in full force and effect until five (5) days after the affidavit required by § 304.15 shall have been filed with the Division;

And it is further ordered, That as a condition to reinstatement as a registered distributor, the defendant refund all discounts improperly received from the producers involved in the transactions giving rise to this proceeding and a statement concerning such refunds shall be made in the affidavit filed in accordance with § 304.15 of the Distributors' Rules;

And it is further ordered, That the defendant, during such period of suspension, shall continue fully to observe, abide by, and remain in all respects subject to all pertinent and applicable provisions of the (1) Bituminous Coal Act of 1937; (2) the Bituminous Coal Code; (3) the Marketing Rules and Regulations; (4) the Rules and Regulations for the Registration of Distributors; and (5) the Distributor's Agreement; and (6) all Orders of the Division.

Dated: September 16, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-6952; Filed, September 17, 1941;
10:57 a. m.]

[Docket No. 1565-FD]

IN THE MATTER OF THE CARDINAL FUEL AND SUPPLY COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 1404, DEFENDANT

ORDER ADOPTING WITH MODIFICATION THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER AND SUSPENDING REGISTRATION

This proceeding having been instituted by the Bituminous Coal Division pursuant to the provisions of the Bituminous Coal Act of 1937, in order to investigate

and determine whether the Cardinal Fuel and Supply Company, a registered distributor (Registration No. 1404), 8 East Long Street, Columbus, Ohio, had violated certain provisions of the Rules and Regulations for the Registration of Distributors promulgated pursuant to section 4 II (h) of the Act;

An investigation having been made; an Examiner designated for hearing pursuant to an Order dated February 5, 1941;

A hearing having been held in this matter on March 5, 1941, before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof, in Columbus, Ohio, pursuant to the Order of February 5, 1941, at which an appearance was entered for the defendant, and all interested parties afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The Examiner having filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter on July 2, 1941, in which it was recommended that the registration of defendant as a registered distributor be suspended for a period of ninety days;

The defendant having filed exceptions thereto on July 25, 1941, and requested an oral argument thereon;

An oral argument having been held on these exceptions before the Director on August 19, 1941; the Director having made Findings of Fact herein and having rendered an opinion, which are filed herewith;

Now, therefore, it is ordered, That the exceptions of the defendant, Cardinal Fuel and Supply Company, to the Proposed Findings of Fact and Proposed Conclusions of Law and Recommendations of the Examiner be and they are hereby severally over-ruled; and

It is further ordered, That the Proposed Findings of Fact and Conclusions of the Examiner be and they hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the Director except that the period of suspension is reduced to sixty days; and

It is further ordered, That the registration of the defendant, Cardinal Fuel and Supply Company, Registered Distributor (Registration No. 1404), be and it hereby is suspended for a period of 60 days beginning with the date of this Order: *Provided, however,* That as a condition to reinstatement, in accordance with § 304.15 of the Distributors' Rules, the defendant submit, at least 5 days prior to the expiration of the suspension period, to the Director of the Division an affidavit verifying that during the period of its suspension said defendant has neither directly nor indirectly transacted business as a registered distributor, nor received nor been promised any discount which distributors are entitled to receive by virtue of registration; and *Provided, further,* That the defendant be required

to return to the producers all improperly collected discounts and that a statement by defendant that such refunds have been made shall be required to be included in the affidavit.

Dated: September 16, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-6953; Filed, September 17, 1941;
10:57 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

DETERMINATION OF THE SECRETARY OF AGRICULTURE, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO THE ISSUANCE OF ORDER NO. 30, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE TOLEDO, OHIO, MARKETING AREA

H. A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, effective May 1, 1940, Order No. 30, as amended,¹ regulating the handling of milk in the Toledo, Ohio, marketing area.

Paul H. Appleby, Acting Secretary of Agriculture, tentatively approved, on August 6, 1941, a marketing agreement, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area.

There being reason to believe that the execution of amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area would tend to effectuate the declared policy of said act, notice was given, on June 12, 1941, of a public hearing which was held in Toledo, Ohio, beginning on June 18, 1941, on a proposal to amend said marketing agreement, as amended, and said order, as amended, and at said time and place all interested parties were afforded an opportunity to be heard on the proposal to amend said marketing agreement, as amended, and said order, as amended.

After such hearing and after the tentative approval on August 6, 1941, of a marketing agreement, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area, handlers of more than fifty (50) percent of the volume of milk covered by this order, as amended, which is marketed within the Toledo, Ohio, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

The Secretary of Agriculture, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended, and as reenacted and

¹ See Title 7, Chapter IX, *supra*.

amended by the Agricultural Marketing Agreement Act of 1937, hereby determines:

1. That the refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. That the issuance of the proposed Order No. 30, as amended, is the only practical means pursuant to such policy of advancing the interests of the producers of milk which is produced for sale in the said area; and

3. That the issuance of the proposed Order No. 30, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of May 1941, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

Done at Washington, D. C., this 6th day of September 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

GROVER B. HILL,
Acting Secretary of Agriculture.

Approved:

FRANKLIN D. ROOSEVELT
The President of the United States.

Dated: September 8, 1941.

[F. R. Doc. 41-6956; Filed, September 17, 1941;
11:06 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective September 18, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

DuBenay Undergarment, Inc., 102 Madison Avenue, New York, New York; Apparel; Ladies' Underwear; 6 learners (75% of the applicable hourly minimum wage); January 15, 1942.

Fashion Park, Inc., 432 Portland Avenue, Rochester, New York; Apparel; Men's Ready to Wear Suits & Overcoats; 5 percent (75% of the applicable hourly minimum wage); September 18, 1942. (This certificate replaces one issued to you bearing the expiration date of March 24, 1942.)

Fitzgibbons Company, Inc., 72 Irving Street, Framingham, Massachusetts; Apparel; Dresses; 30 learners (75% of the applicable hourly minimum wage); January 15, 1942.

Industrial Tailors, Inc., 134 Noll Street, Brooklyn, New York; Apparel; Boys' Wash Suits, Sportswear; 5 learners (75% of the applicable hourly minimum wage); January 5, 1942.

Jac Sportswear, Inc., 702 Broadway, New York, New York; Apparel; Blouses & Shirts; 5 learners (75% of the applicable hourly minimum wage); February 18, 1942.

M. Janowitch and Sons, Main and Market Streets, Mahanoy City, Pennsylvania; Apparel; Dresses and Blouses; 10 learners (75% of the applicable hourly minimum wage); January 15, 1942.

William B. Kessler, Inc., Pleasant and Tilton Streets, Hammonton, New Jersey; Apparel; Men's Suits; 5 per cent (75% of the applicable hourly minimum wage); September 18, 1942.

La More Manufacturing Company, 74 Bayard Street, Brooklyn, New York; Apparel; Dresses; 3 learners (75% of the applicable hourly minimum wage); January 15, 1942.

Maiden Form Brassiere Company, Inc., 154 Avenue E, Bayonne, New Jersey; Ap-

parel; Brassieres and Corsets; 100 learners (75% of the applicable hourly minimum wage); January 5, 1942.

Prime Shirt and Sportswear Company, 82 White Street, Brooklyn, New York; Apparel; Shirts; 5 percent (75% of the applicable hourly minimum wage); February 18, 1942.

Quakertown Clothing Manufacturing Company, Tenth and Juniper Streets, Quakertown, Pennsylvania; Apparel; Pants; 25 learners (75% of the applicable hourly minimum wage); January 5, 1942.

R and R Garment Company, 119 Church Avenue, Ephrata, Pennsylvania; Apparel; Ladies' Slips; 30 learners (75% of the applicable hourly minimum wage); January 15, 1942.

Tiny Grace Frocks, "T" and Ontario Street, Philadelphia, Pennsylvania; Apparel; Children's Dresses; 20 learners (75% of the applicable hourly minimum wage); January 15, 1942.

Universal Coat Front Company, N. E. 25th and Locust Streets, Philadelphia, Pennsylvania; Apparel; Coat Fronts; 10 learners (75% of the applicable hourly minimum wage); January 15, 1942.

Wilson Collier Company, 655 Atlantic Avenue, Boston, Massachusetts; Apparel; Children's Dresses, Skirts, Blouses; 5 percent (75% of the applicable hourly minimum wage); September 18, 1942.

Medalia Hosiery Mills, Inc., Green Street, Silverdale, Pennsylvania; Hosiery; Full Fashioned Hosiery; 2 learners; September 18, 1942.

Wil-Tex Hosiery Products Corporation, Villa Rica, Georgia; Hosiery; Seamless Hosiery; 7 learners; May 18, 1942.

The Atlas Underwear Company, 803 North Downing Street, Piqua, Ohio; Knitted Wear; Knitted Underwear; 5 percent; September 18, 1942.

Santa Anita Knitting Mills, 105 East Colorado Boulevard, Monrovia, California; Knitted Wear; Knitted Outerwear; 3 learners; September 18, 1942.

Vogue Ribbon Novelty Company, 425 Fifth Avenue, New York; Millinery; Popular-Priced Millinery; 2 learners; March 18, 1942.

Shapiro and Son Curtain Corporation, 659 North 13th Street, Easton, Pennsylvania; Textile; Chenille Bedspreads; 30 learners; February 5, 1942.

Union Manufacturing Company, Union Point, Georgia; Textile; Yarns; 8 learners; January 5, 1942.

Signed at Washington, D. C., this 17th day of September 1941.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-6968; Filed, September 17, 1941; 12:05 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that special Certificates authorizing the employment of learners at hourly wages lower than

the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder. (August 16, 1940, 5 F.R. 2862) to the employers listed below effective September 18, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review of reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Alba Lamp and Shade Company, Philadelphia, Pennsylvania; Portable Lamps and Shades; Acetate Boudoir Shades; 5 learners; 320 hours for any one learner; 35 cents per hour; Lamp Shade Operator; March 18, 1942.

Avon Paper Box Company, 1120 E. Cumberland Street, Avon, Pennsylvania; Converted Paper Products; Paper Boxes; 3 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 17, 1941.

F. N. Burt Company, Inc., 514 Seneca Street, Buffalo, New York; Converted Paper Products; Set-up Paper Boxes, Folding Cartons; 10 percent; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations on set-up paper boxes, except cutting, scoring and slitting; March 17, 1942.

The Callaghan Paper Box Company, 99 Albany Avenue, Hartford, Connecticut; Converted Paper Products; Set-up Paper Boxes; 5 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 17, 1942.

The Churchill Weavers, Berea, Kentucky; Handwoven Novelties; 15 learners; 320 hours for any one learner; 22½¢ per hour; Hand Weaving (Fly-Shuttle); September 18, 1942.

The Crest Company, Inc., Chicago, Illinois; Portable Lamps and Shades; Bridge, Floor and Table Lamp Shades; 5 learners; 160 hours for any one learner; 35 cents per hour; Shade Making; March 18, 1942.

McKee Button Company, 1000 Hershey Avenue, Muscatine, Iowa; Fresh Water Pearl Buttons; 20 learners; 8 weeks for any one learner; 25 cents per hour; Sorters and Automatic Button Machine Operators; November 27, 1941.

Quincy Paper Box Company, 230 N. 3rd Street, Quincy, Illinois; Converted

Paper Products; Manufacturer of Set-Up Paper Boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box-making operations, except cutting, scoring and slitting; March 10, 1942. (This certificate is effective September 11, 1941, correct address Quincy, Illinois instead of Chicago, Illinois.)

Riverside Box Factory, 548 First Avenue, Troy, New York; Converted Paper Products; Set-up Boxes; 1 learner; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 17, 1942.

R. Rudie and Company, Herb Hill Road, Glen Cove, New York; Converted Paper Products; Set-Up Paper Boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 17, 1942.

J. F. Wieder and Son, Macungie, Pennsylvania; Converted Paper Products; Set-Up Paper Boxes; 1 learner; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 17, 1942.

Penn Cigar Company of Pittsburgh, McConaughy Street, Johnstown, Pennsylvania; Cigar Industry; Cigar Manufacturing; 10 percent; 8 weeks, 4 weeks and 8 weeks respectively, for any one learner; 75% of applicable minimum wage rate; Cigar Machine Operators, Machine Strippers, Machine Packers; September 18, 1942.

Signed at Washington, D. C., this 17th day of September 1941.

MERLE W. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-6969; Filed, September 17, 1941; 12:05 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 544]

IN THE MATTER OF AN AGREEMENT, C.A.B. No. 152, BETWEEN PAN AMERICAN AIRWAYS, INC., MATSON NAVIGATION COMPANY, AND INTER-ISLAND STEAM NAVIGATION CO., LTD., RELATING TO JOINT OPERATIONS AND AGENCY AND TRAFFIC ARRANGEMENTS

NOTICE OF POSTPONEMENT OF HEARING

At the request of Pan American Airways, Inc., the above-entitled proceeding, being a proceeding instituted by the Board to determine whether or not an agreement, C.A.B. No. 152, between the above-named parties, evidenced by several instruments filed with the Board under section 412 (a) of the Civil Aeronautics Act of 1938, as amended, providing, among other things and as more fully set forth in said agreement, (1) for the joint operation of a local air transportation service between the Pacific Coast of the United States and the

Hawaiian Islands, as well as for the interchange of certain services and facilities; (2) for the sale by Matson Navigation Company of transportation over the lines of Pan American; and (3) for the sale by Pan American of transportation over the lines of Matson Navigation Company, is adverse to the public interest or in violation of the Civil Aeronautics Act of 1938, now assigned for public hearing on September 22, 1941, is hereby postponed to October 1, 1941, at 10 o'clock a. m. (Eastern Standard Time) in Room 7057, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Berdon M. Bell.

Dated Washington, D. C., September 16, 1941.

[SEAL]

BERDON M. BELL,
Examiner.

[F. R. Doc. 41-6945; Filed, September 17, 1941; 9:27 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5714]

IN THE MATTER OF THE CALIFORNIA OREGON POWER COMPANY

ORDER POSTPONING HEARING

SEPTEMBER 12, 1941.

It appearing to the Commission that: Good cause has been shown for the postponement of the hearing in the above entitled matter.

The Commission orders that: The hearing in this proceeding, heretofore set to commence on September 22, 1941, be and it is hereby postponed to November 17, 1941.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-6947; Filed, September 17, 1941; 9:27 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4585]

IN THE MATTER OF GUS B. SHELTON, AN INDIVIDUAL TRADING AS G. B. SHELTON BROKERAGE COMPANY, AND THE AMERICAN AGRICULTURAL CHEMICAL COMPANY, A CORPORATION

COMPLAINT

The Federal Trade Commission having reason to believe that the parties respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, have violated and are now violating the provisions of subsection (c) of section 2 of the Clayton Act (U.S.C. Title 15, sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Gus B. Shelton is an individual doing business under

the name and style of G. B. Shelton Brokerage Company, a sole proprietorship, with his principal office and place of business located at 220 Lynn Street, Danville, Virginia. This respondent is engaged in the wholesale grocery business, buying and selling for his own account groceries, sugar, flour, feeds and crystal phosphate, and he is also engaged in the business of, and acting as, broker in the sale of sugar and crystal phosphate. Respondent buys said commodities in the various states of the United States, causing said commodities to be shipped and transported from sellers located in states of the United States other than the State of Virginia to his place of business in the State of Virginia.

PAR. 2. Respondent The American Agricultural Chemical Company is a corporation organized and existing under the laws of the State of Delaware with its principal office and place of business located at 50 Church Street, New York, New York. This respondent has been and is engaged in the business of selling and distributing crystal phosphate in commerce between and among the various states of the United States, causing said commodity to be shipped and transported from places of business in the States of New York and North Carolina, to purchasers thereof located in the various states of the United States.

PAR. 3. In the course and conduct of his business as aforesaid since June 19, 1936, respondent Gus B. Shelton, trading as G. B. Shelton Brokerage Company, has been and is making purchases of crystal phosphate in commerce from respondent The American Agricultural Chemical Company, for his own account, and in the course of said purchases, respondent Gus B. Shelton, trading as G. B. Shelton Brokerage Company, has been and is now receiving and accepting from respondent The American Agricultural Chemical Company, and The American Agricultural Chemical Company has been and now is making and granting to respondent Gus B. Shelton, trading as G. B. Shelton Brokerage Company, a five per cent cash deduction, and price allowances of fifty to seventy-five cents per hundredweight of crystal phosphate, in lieu of brokerage upon said purchases in commerce.

PAR. 4. The payment and granting of cash deductions of five per cent and price allowances of fifty to seventy-five cents per hundredweight of crystal phosphate in lieu of brokerage by respondent The American Agricultural Chemical Company upon sales of chemical phosphate by it to respondent Gus B. Shelton, trading as G. B. Shelton Brokerage Company, and the receipt and acceptance by respondent Gus B. Shelton, trading as G. B. Shelton Brokerage Company, of a five per cent cash deduction and price allowances of fifty to seventy-five cents per hundredweight of crystal phosphate, upon his own purchases in the manner and form hereinabove set forth, is in violation of the provisions of subsection

(c) of section 2 of the Act described in the preamble hereof.

Wherefore, the premises considered, the Federal Trade Commission, on this 8th day of September A. D. 1941, issues its complaint against said respondents.

NOTICE

Notice is hereby given you, Gus B. Shelton, an individual trading as G. B. Shelton Brokerage Company, and The American Agricultural Chemical Company, respondents herein, that the 17th day of October A. D. 1941, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the city of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding, the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have au-

thorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 8th day of September, A. D., 1941.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6964; Filed, September 17, 1941;
11:46 a. m.]

OFFICE OF PRODUCTION MANAGEMENT.

Division of Priorities.

NOTICE TO MANUFACTURERS OF AIRCRAFT PARTS, ETC.

By virtue of the authority vested in him by OPM Regulation No. 3,¹ and pursuant to § 944.4² of Regulation No. 1 of the Division of Priorities, the Director of Priorities will issue after September 15, 1941, individual orders directed to manufacturers of parts, accessories, and instruments which will be installed in any finished aircraft the delivery schedule for which has been approved by the Joint Aircraft Committee, and auxiliary products necessary for the maintenance and operation of such aircraft. These orders will assign preference ratings to materials needed by the producer and to materials to be physically incorporated into the finished product.

Any manufacturer, 90 percent or more of whose output consists of the above products, and who wishes to qualify for such an order, should apply to the Aircraft Section of the Office of Production Management, Washington, D. C.

Dated: September 17th, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-6967; Filed, September 17, 1941;
11:47 a. m.]

¹ 6 F.R. 1596.
² 6 F.R. 4490.

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-24]

IN THE MATTER OF CITIES SERVICE COMPANY AND ITS SUBSIDIARY COMPANIES

ORDER POSTPONING DATE FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of September, A. D. 1941.

The Commission having on July 3, 1941 issued a Notice of and Order for Hearing in the above entitled proceedings directing that a hearing be held on August 18, 1941 at 10:00 A. M. in the offices of the Commission with reference to the allegations of the said Notice of and Order for Hearing; and Cities Service Company having requested that the date for the hearing be postponed for the reason that counsel for one of the respondents in these proceedings would be enabled to attend the said hearing without undue expense and inconvenience if the same were postponed as hereinafter provided; and

It appearing to the Commission that the request made by the said Cities Service Company is not unreasonable and may appropriately be granted;

It is ordered, That the hearing directed to be held in said order of July 3, 1941 be and the same hereby is postponed until September 24, 1941 at 10 o'clock in the forenoon for the purposes specified in the said Order of July 3, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6959; Filed, September 17, 1941;
11:28 a. m.]

[File No. 1-1611]

IN THE MATTER OF THE GEORGIA MARBLE COMPANY

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of September, A. D. 1941.

The Georgia Marble Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its 6% First Mortgage Sinking Fund Gold Bonds due 1950 from listing and registration on the Baltimore Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Monday,

October 13, 1941, at the office of the Securities & Exchange Commission, Palmer Building, Forsyth & Marietta Sts., Atlanta, Georgia, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William A. McClain, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6960; Filed, September 17, 1941;
11:28 a. m.]

[File No. 70-332]

IN THE MATTER OF THE COMMONWEALTH
& SOUTHERN CORPORATION (DELAWARE),
ALABAMA POWER COMPANY, AND THE
GENERAL CORPORATION

ORDER SUPPLEMENTAL TO ORDER OF SEPTEMBER 10, 1941 PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS AS TO CERTAIN MATTERS

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of September, A. D. 1941.

It appearing to the Commission that the Order of September 10, 1941, in the above-entitled matter was not properly restricted so that it did not set forth accurately the action of the Commission and should now be amended:

It is hereby ordered, That said Order of September 10, 1941 be amended as follows:

The fourth line of the first paragraph is hereby amended to read as follows:

* * * and U-46 thereunder regarding, in addition to various other matters, the following proposals: (a) the liquidation * * *

The second line of the third paragraph is hereby amended to read as follows:

* * * the interest of investors and consumers to permit, in respect of the particular proposals specified in the first paragraph hereof, the said declarations. * * *

The second line of the last paragraph is hereby amended to read as follows:

* * * in Rule U-24, that, in so far as they relate solely to the transactions specified in the first paragraph hereof, the aforesaid declarations, as amended, be and hereby * * *

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6961; Filed, September 17, 1941;
11:28 a. m.]